

Exhibit 4

Third Declaration of Eric Rassbach



U.S. House of Representatives Staff Report on Antisemitism

December 18, 2024

In coordination with the:

Speaker of the House Mike Johnson

Majority Leader Steve Scalise

Majority Whip Tom Emmer

Republican Conference Chairwoman Elise Stefanik

Republican Conference Vice Chairman Blake Moore

Education and the Workforce Committee

Energy and Commerce Committee

Judiciary Committee

Oversight Committee

Veterans' Affairs Committee

Ways and Means Committee



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II. Executive Summary

Since the horrific terrorist attack carried out by Hamas on October 7, 2023, the United States has witnessed an alarming surge in antisemitism. Across the nation, Jewish Americans have been harassed, assaulted, intimidated, and subjected to hostile environments—violations that stand in stark contrast to America’s fundamental values, including a foundational commitment to religious freedom for all.

In response, on April 30, 2024, Speaker Mike Johnson announced a unified U.S. House of Representatives initiative to confront this crisis head-on. This effort, spanning multiple committees, reflects an unwavering dedication to combating antisemitism and ensuring the safety and dignity of Jewish Americans. The initiative has been spearheaded by the Committees on Education and the Workforce, Energy and Commerce, Judiciary, Oversight and Accountability, Veterans Affairs, and Ways and Means. Together, these committees have undertaken investigations into federal funding, federal departments and agencies, foreign student visa programs, and tax benefits granted to nonprofit organizations and universities, all to address the troubling rise of hate and extremism.

The Committees’ findings are alarming. For instance, some of our most prominent American universities refused to crack down on antisemitism. In fact, many colleges handed down disparate disciplinary actions for Jewish students versus their antagonists—the students who engaged in antisemitic behavior, encampments, and intimidating tactics such as campus checkpoints and tax-exempt organizations that enabled and funded violent campus protests, among other troubling findings. The failure of our federal government departments and agencies is astounding. For example, HHS and its grant-making agencies have entirely avoided any accountability for institutions to which they award millions of dollars annually.

The recommendations contained in this report are a result of thoughtful investigations by each Committee. These recommendations should not be taken lightly. First and foremost, as a nation we must protect Jewish citizens and students. That may require colleges and universities to use their vast endowments to better protect and support students on campus. Universities must ensure equal treatment for equivalent infractions. Students must learn that actions have consequences—not that there is a different standard based on race or ethnicity. This report reveals the lack of oversight of institutions receiving significant sums of federal grant money and the recommendations urge that the U.S. Department of Health and Human Services (HHS), in particular, engage in more robust oversight. Likewise, the U.S. Department of Veterans Affairs has more work to do inside and outside their headquarters. This is not an exhaustive list—readers should refer to the subsections for more specifics.

As Speaker Johnson emphasized when he announced the House-wide initiative, “[n]early every committee here has a role to play in these efforts to stop the madness that has ensued.” Highlights of the initiative include:

- **The Committee on Education and the Workforce:** Conducted oversight by holding hearings with students and university presidents and obtaining more than 400,000 pages

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of documents from postsecondary institutions through document requests and subpoenas to ensure accountability.

- **The Committee on Energy and Commerce:** Conducted oversight of the federal agencies responsible for disbursing taxpayer-funded research grants to institutions and several institutions themselves.
- **The Committee on the Judiciary:** Examined immigration policies and enforcement to address national security concerns, including foreign nationals with sympathies for Hamas entering the country.
- **The Committee on Oversight and Accountability:** Examined the actions of officials in the District of Columbia as it relates to their refusal to adequately address unlawful and antisemitic protests.
- **The Committee on Veterans Affairs:** Investigated antisemitic misconduct within the Department of Veterans Affairs and the inadequate internal investigation that followed such conduct. The Committee sent letters to the Department of Veterans Affairs and the Governors of California, New York, Illinois, Massachusetts, Michigan, and North Carolina asking them to investigate through the State Approving Agencies whether certain universities were adequately addressing the education needs of Jewish veteran students and were providing the quality of education required for participation in the GI Bill. These states and universities were chosen because they received a D or an F rating from the Anti-Defamation League's report card.
- **The Committee on Ways and Means:** Investigated tax-exempt organizations and antisemitism across the country to hold bad actors accountable and ensure that tax-exempt organizations, including universities, are not abusing our nation's tax code to support illegal activity or operate outside of tax-exempt purposes.

These robust, multi-faceted investigations have culminated in actionable findings and recommendations to safeguard Jewish Americans and uphold America's commitment to religious freedom and safety. House Republicans remain steadfast in their commitment to addressing this fateful moment with moral clarity and decisive action, ensuring that Jewish Americans can live safely and freely in the United States of America. In the 119th Congress, we look forward to continuing to shine a light wherever antisemitism rears its ugly head.

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III. The Committee on Education and the Workforce

A. Overview of the Investigation

Over the past year, the House Committee on Education and the Workforce (“Committee”), led by Chairwoman Virginia Foxx, conducted an intensive investigation into antisemitism in postsecondary education. The Committee’s investigation has been unprecedented in depth and scope, sending requests for documents and information to universities across the country and collecting nearly half a million pages of documents. For the first time in its 157-year history, the Committee issued subpoenas to universities for their failure to satisfy the Committee’s demands. Chairwoman Foxx and the Committee held six hearings and a student roundtable on campus antisemitism. The Committee issued numerous reports and released documents that revealed extensive evidence of universities’ apparent unwillingness to fulfill their legal obligations under Title VI of the *Civil Rights Act* (“Title VI”) and their overwhelming failure to address the explosion of antisemitic conduct on their campuses.

Relevant Federal Laws

Title VI: Title VI prohibits recipients of federal funds (“recipients”) from discriminating on the basis of race, color, or national origin.¹ Approximately 5,600 colleges and universities receive federal funds, including in the form of student aid under Title IV of the *Higher Education Act*, and therefore are subject to Title VI.² Since 2004, the Department of Education’s Office for Civil Rights (“OCR”) has repeatedly affirmed that discrimination against religious groups is prohibited by Title VI when it is based on an individual’s actual or perceived shared ancestry or ethnic characteristics, or on an individual’s citizenship or residency in a country with a dominant religion or distinct religious identity.³

Recipients may be found in violation of Title VI under disparate treatment claims (when a recipient treats students differently based on race, color, or national origin) and under hostile environment claims.⁴ The Department of Education’s OCR defines a hostile environment as “unwelcome conduct based on race, color, or national origin that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it

¹ Civil Rights Act of 1964 § 601.

² *Number of postsecondary institutions in the United States that award federal student aid*, NATIONAL CENTER FOR EDUCATION STATISTICS, <https://nces.ed.gov/ipeds/TrendGenerator/app/answer/1/1>.

³ U.S. DEP’T OF ED. OFF. OF C.R., KNOW YOUR RIGHTS: TITLE VI AND RELIGION (2017), <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>; U.S. DEP’T OF ED. OFF. OF C.R., FACT SHEET: PROTECTING STUDENTS FROM DISCRIMINATION BASED ON SHARED ANCESTRY OR ETHNIC CHARACTERISTICS (2023), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>.

⁴ ABIGAIL A. GRABER, CONG. RSCH. SERV., LSB11129, RELIGIOUS DISCRIMINATION AT SCHOOL: APPLICATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (2024).

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limits or denies a person's ability to participate in or benefit from a school's education program or activity.”⁵

Notably, the commission of a discriminatory act on a recipient's campus does not by itself amount to a Title VI violation. A Title VI violation occurs when a recipient has allowed, permitted, or created a hostile environment that targets someone based on race, color, or national origin.⁶ Whether any particular incident amounts to a Title VI violation depends on the specific facts of the incident and any related incidents on campus and the university's response.⁷

The Clery Act: The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (“Clery Act”) requires all institutions that receive Title IV funding to establish and publish various campus security policies, submit an annual crime report of campus crime statistics, and publish accurate and prompt reporting of all crimes to the campus police and appropriate law enforcement agencies.⁸ The Clery Act provides for additional reporting when victims of certain crimes are selected on the basis of certain characteristics – including religion, national origin, and ethnicity.⁹ This means that institutions must count crimes such as assault, intimidation, or vandalism when the victim is intentionally selected because of his or her perceived religion or national origin, such as when Jewish students are targeted.

B. Findings

(1) Universities Failed to Stop Antisemitism on Their Campuses, Likely Violating Title VI

The Committee found that numerous universities failed to stop antisemitism on their campuses, likely violating Title VI. Specifically, Columbia University explicitly acknowledged that its campus became a hostile environment in violation of Title VI. In addition, evidence suggests Title VI violations at other universities including the University of California, Los Angeles (“UCLA”), and Harvard.

- **Columbia University:** Columbia stands out for its egregious failure to combat antisemitism on its campus, despite its president acknowledging that the University was in violation of its Title VI obligations. On April 29, 2024, Columbia's then-President Minouche Shafik publicly stated that an encampment established on April 17, and related incidents “create[ed] a hostile environment in violation of Title VI, especially around our gates, that is unsafe for everyone.”¹⁰ This statement came after an April 21, Committee letter to the University

⁵ Catherine E. Lhamon, *Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics*, U.S. DEP'T OF ED., (May 7, 2024), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>.

⁶ U.S. DEP'T OF ED. OFF. OF C.R., *DEAR COLLEAGUE LETTER: PROTECTING STUDENTS FROM DISCRIMINATION, SUCH AS HARASSMENT, BASED ON RACE, COLOR, OR NATIONAL ORIGIN, INCLUDING SHARED ANCESTRY OR ETHNIC CHARACTERISTICS* (2024), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf> <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>.

⁷ *Id.*

⁸ Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (2024).

⁹ Clery Act § 1092(f)(1)(F)(ii).

¹⁰ Statement from Columbia Univ. President Minouche Shafik, Columbia Univ. (Apr. 29, 2024), <https://president.columbia.edu/news/statement-columbia-university-president-minouche-shafik-4-29>.

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documenting numerous disturbing incidents at and around the encampment, and warning that Columbia was in “major breach” of its Title VI obligations.¹¹ Yet, Columbia’s leadership failed to restore order to the campus until May 1, after a group of students and others criminally took over a campus building, Hamilton Hall.¹²

- These were not isolated incidents. Rather, they were part of an extensive pattern of Columbia’s failures to enforce University rules to address antisemitic conduct. In a disturbing August 2024 report, Columbia’s presidentially appointed Task Force on Antisemitism detailed an atmosphere of pervasive civil rights violations at the University.¹³ The Task Force wrote, “[Jewish students] consider the University bound by duty and by law to ensure students are able to learn and live in a neutral environment in which discrimination is not tolerated, without fear for their safety” but “[w]hat we heard makes clear that hundreds of Jewish and Israeli students did not have this experience at Columbia University in the academic year 2023-2024.”¹⁴ The Task Force found Israeli students were frequently targeted on the basis of their national origin in violation of federal antidiscrimination law, explaining that “hatred toward Israelis has reached alarming levels on campus” and that “Israeli students found the pervasive hostility made it difficult to access necessary services, such as healthcare.”¹⁵ The Task Force also found “[v]isibly observant [Jewish] students, like ones who wear traditional head coverings, have been frequently met with extreme hostility.”¹⁶
- **UCLA:** UCLA allowed the creation of a hostile environment for Jewish students that appears to have violated Title VI.¹⁷ UCLA administrators failed to heed recommendations by university police to identify outside agitators and remove nonstudents from the encampment, even as it fortified and expanded to include antisemitic checkpoints that denied Jewish

¹¹ Letter from Virginia Foxx, Chairwoman, H. Comm. on Ed. & the Workforce, to Columbia Univ. (Apr. 21, 2024), https://edworkforce.house.gov/uploadedfiles/4-21-24_columbia_april_letter.pdf.

¹² Kenneth Granger, et. al, *Violent pro-terror rioters shouting ‘Intifada!’ smash their way into Columbia University academic building in latest campus chaos*, NY POST (Apr. 30, 2024), <https://nypost.com/2024/04/30/us-news/columbia-university-protesters-take-over-hamilton-hall/>.

¹³ Task Force on Antisemitism, *Columbia University Student Experiences of Antisemitism and Recommendations For Promoting Shared Values And Inclusion* (Aug. 2024), <https://president.columbia.edu/sites/default/files/content/Announcements/Report-2-Task-Force-on-Antisemitism.pdf>.

¹⁴ *Id.* at 36-37.

¹⁵ Task Force on Antisemitism, *Columbia University Student Experiences of Antisemitism and Recommendations For Promoting Shared Values And Inclusion*, 28-29 (Aug. 2024), <https://president.columbia.edu/sites/default/files/content/Announcements/Report-2-Task-Force-on-Antisemitism.pdf>.

¹⁶ Task Force on Antisemitism, *Columbia University Student Experiences of Antisemitism and Recommendations For Promoting Shared Values And Inclusion*, 13 (Aug. 2024), <https://president.columbia.edu/sites/default/files/content/Announcements/Report-2-Task-Force-on-Antisemitism.pdf>.

¹⁷ Though the Committee views the evidence as substantiating a Title VI violation, neither OCR nor a court, both of which have authority to find a violation has occurred, have yet done so.

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students access to central parts of campus.¹⁸ Only after an outbreak of mob violence did the University take the overdue step of clearing the encampment.¹⁹

The U.S. District Court for the Central District of California found²⁰ that “Jewish students were excluded from portions of the UCLA campus because they refused to denounce their faith” and issued a preliminary injunction ordering the school to ensure Jewish students have access to the same resources as other students.²¹

- **Harvard University:** Harvard drew national attention for pervasive antisemitic misconduct, including the assault of an Israeli student, classroom disruptions, and a building occupation, but its leaders ignored their own advisors’ recommendations to address the problem.²² In the aftermath of the post-October 7th explosion of antisemitic hate, then-President Claudine Gay formed an Antisemitism Advisory Group (“AAG”) to help “develop a robust strategy for confronting antisemitism on campus.”²³ It found antisemitism to be a major problem at Harvard, noting significant harassment of Jewish students and pervasive ostracization of Israeli students.²⁴ AAG members became frustrated by Harvard’s leaders’ inaction, prompting five of its eight members to threaten to resign.²⁵

In December 2023, the AAG presented Harvard’s leaders with a set of significant recommendations to combat antisemitism at the University including enforcing “zero tolerance” for classroom disruptions; countering antisemitic speech; reviewing the academic rigor of classes and programs with antisemitic content; and reviewing Harvard’s Office for

¹⁸ UCLA Police Message Thread (Apr. 25, 2024, 4:25 AM) (on file with Comm.); Email from UCLA Bruin Alert (Apr. 26, 2024, 12:26 PM) (on file with Comm.); Katherine Mangan, *Federal Judge Blasts UCLA for Allowing Encampment Protesters to Block Jewish Students*, THE CHRONICLE OF HIGHER ED. (Aug. 14, 2024) <https://www.chronicle.com/article/federal-judge-blasts-ucla-for-allowing-encampment-protesters-to-block-jewish-students>.

¹⁹ UCPD Leadership Text Messages (May 1, 2024) (on file with Comm.); Letter from Assemb. Rick Chavez Zbur to Hon. Catherine E. Lhamon, Asst. Sec. U.S. Dept. of Ed. (Apr. 30, 2024), <https://a51.asmdc.org/press-releases/20240430-assemblymember-zbur-requests-investigation-potential-violations-title-vi>.

²⁰ The court’s grant of a preliminary injunction was based on the undisputed facts underlying the plaintiffs’ free exercise claims and did not adjudicate the Title VI or other claims asserted by the plaintiffs.

²¹ Order for Preliminary Injunction, *Frankel v. Regents*, No. 2:24-cv-04702-MCS-PD (C.D. Cal., Aug. 13, 2024). The order states at 15, “Defendants are prohibited from knowingly allowing or facilitating the exclusion of Jewish students from ordinarily available portions of UCLA’s programs, activities, and campus areas, whether as a result of a de-escalation strategy or otherwise.”

²² H. Comm. on Education and the Workforce, Investigative Update: *The Antisemitism Advisory Group and Harvard’s Response: Clarity and Inaction* (May 15, 2024), https://edworkforce.house.gov/uploadedfiles/5.15.24_harvard_committee_report_final.pdf.

²³ Claudine Gay, Combating Antisemitism, Harvard Univ. (Nov. 9, 2023), <https://www.harvard.edu/president/news-gay/2023/combating-antisemitism/>; The group’s members included former Harvard Law School Dean Martha Minow, visiting scholar Rabbi David Wolpe, writer and Harvard alumna Dara Horn, Government professor Eric Nelson, Divinity School professor Kevin Madigan, Harvard Board of Overseers member Geraldine Acuña-Sunshine, Harvard College Dean of Students Thomas Dunne, and a Jewish undergraduate.

²⁴ Investigative Update, *supra* note 21.

²⁵ Dara Horn, Transcribed Interview before the H. Comm. on Ed. & the Workforce, 38-39 (Mar. 18, 2024) (on file with Comm.); Letter from Antisemitism Advisory Grp. members to Claudine Gay, President, Harv. Univ. (Nov. 5, 2023) (on file with Comm.), at 1.

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Equity, Diversity, Inclusion, and Belonging’s inadequacy in addressing antisemitism.²⁶ Harvard’s leaders, however, failed to implement these and disbanded the AAG at the end of the fall 2023 semester,²⁷ and replaced it with a new Antisemitism Task Force in January 2024.²⁸ Rather than implement the AAG’s recommendations, the Task Force took months to release a weaker, less detailed set of preliminary recommendations in June 2024, which drew criticism from Harvard’s Jewish community.²⁹

(2) Students who established unlawful antisemitic encampments—which violated university policies and created unsafe, hostile environments—were granted shocking concessions.

In the spring of 2024, there was a wave of unlawful antisemitic encampments established on campuses throughout the country. These encampments frequently generated substantial harassment – and in some cases physical assaults – of Jewish students, created hostile environments, and disrupted campus operations. In a dereliction of their responsibilities, many school officials failed to clear these encampments in a timely manner, often negotiating with encampment participants, and in some cases appeasing them with appalling concessions. Two of the most notable cases are Northwestern, the first school to capitulate to its encampment; and Columbia, the first school where an encampment was established, and where the University’s fecklessness led to the criminal takeover of a campus building. In both cases, the universities’ shocking efforts to appease students went farther than the public was led to believe.

- **Northwestern University:** Northwestern reached a shameful agreement appeasing its encampment after President Michael Schill chose radical anti-Israel faculty members Jessica Winegar and Nour Kteily to negotiate on the school’s behalf with the antisemitic encampment.³⁰ The negotiators abused their positions to support encampment organizers, with Kteily writing that he aimed to “get some amazing wins” for them.³¹ Northwestern’s Provost Kathleen Hagerty endorsed this approach, affirming Kteily after he advised students on how to pressure trustees on advancing divestment.³² Hagerty also supported Kteily’s recommendation that Northwestern boycott Sabra hummus due to it being perceived as an

²⁶ Antisemitism Advisory Grp., *Potential Statement of Goals and Steps to Address Antisemitism Issues* (Dec. 18, 2023) (on file with Comm.).

²⁷ Andrew Bernard, *Harvard propped up Jew-hatred advisory group ‘for show,’ House committee report concludes*, JEWISH NEWS SYNDICATE (May 16, 2024), <https://www.jns.org/harvard-propped-up-jew-hatred-advisory-group-for-show-house-committee-report-concludes/>.

²⁸ Harvard was heavily criticized for selecting historian Derek Penslar to co-chair the Task Force which replaced the AAG, considering Penslar calling reports of antisemitism at Harvard “exaggerated” and signing a letter calling Israel a “regime of apartheid.” See Jon Levine, *Chair of Harvard’s new antisemitism task force accused of antisemitism*, NEW YORK POST (Jan. 20, 2024), <https://nypost.com/2024/01/20/news/chair-of-harvards-new-task-force-accused-of-antisemitism/>.

²⁹ Haley Cohen, *Harvard Jewish leaders, alumni disappointed by antisemitism task force recommendations*, JEWISH INSIDER (Jun. 27, 2024), <https://jewishinsider.com/2024/06/harvard-task-force-antisemitism-jewish-leaders-alumni/>.

³⁰ STAFF OF H. COMM. ON ED. & THE WORKFORCE, 118TH CONG., ANTISEMITISM ON COLLEGE CAMPUSES EXPOSED 9-18 (Comm. Print 2024).

³¹ Text Message from Nour Kteily, Professor of Mgmt. and Org., Nw. Univ. Kellog Sch. Of Mgmt., to Wendy Pearlman, Professor of Pol. Sci., Nw. Univ. Weinberg Coll. Arts & Sci. (Apr. 26, 2024, 7:45 PM) (on file with Comm.).

³² Text Message from Kathleen Hagerty, Provost, Nw. Univ., to Nour Kteily, Professor of Mgmt. and Org., Nw. Univ. Kellog Sch. Of Mgmt. (Apr. 26, 2024, 12:49 AM UTC-5) (on file with Comm.).

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Israeli product.³³ The final agreement contains an apparent mechanism for implementing such a boycott through a provision for students to provide input on dining services and vendors.

President Schill also appears to have misled Congress in his testimony before the Committee regarding whether the University entertained encampment organizers' demands to hire an anti-Zionist rabbi. Specifically, President Schill categorically denied that he would ever hire someone on such a basis, but documents produced to the Committee reveal President Schill actively entertained the request while expressing sensitivity to the optics of his actions.³⁴ Further, language in the final agreement contains a mechanism for facilitating such a hire,³⁵ and encampment organizers stated they would "be able to pick a new rabbi" as a result of the agreement.³⁶ At best, President Schill's testimony lacked candor and is unbecoming of a university president; at worst Schill's testimony was false and met the criteria of a federal crime.

- **Columbia University:** Despite Columbia offering more significant concessions than it publicly acknowledged, efforts to appease encampment organizers did not result in an agreement.³⁷ Columbia offered to have the University body responsible for considering divestment requests and making recommendations to the Board of Trustees review proposals to divest from companies with criteria that would open the door for anti-Israel activists to pursue spurious claims against companies with ties to Israel or that are involved in defense manufacturing. Columbia also offered amnesty for some encampment members, to create a University fund to invest in projects in Gaza and the West Bank and to provide scholarships for students with ties to Gaza and the West Bank.³⁸ Even after negotiations broke down,

³³ Text Message from Nour Kteily, Professor of Mgmt. and Org., Nw. U. Kellogg Sch. Of Mgmt., to Kathleen Hagerty, Provost, Nw. U (Apr. 27, 2024, 3:18 AM) (on file with Comm.); Sabra is a U.S.-based company jointly owned by PepsiCo and the Israeli company Strauss Group.

³⁴ Text Messages from Michael H. Schill, President, Nw. Univ., to Susan Davis, Vice President of Student Aff., Nw. Univ. (Apr. 27, 2024) (on file with Comm.); Memorandum on Northwestern University's Three Ideals (Apr. 28, 2024) (on file with Comm.)

³⁵ Agreement on Deering Meadow, Northwestern Univ. (Apr. 29, 2024), <https://www.northwestern.edu/leadership-notes/2024/agreement-on-deering-meadow.pdf> (The final language states: "The University will engage students in a process dedicated to ensuring additional support for Jewish and Muslim students within Student Affairs/Religious & Spiritual Life.").

³⁶ Live: Pro-Palestinian demonstrators continue to push for divestment on Deering Meadow following agreement, THE DAILY N.W. (Apr. 25, 2024), <https://dailynorthwestern.com/2024/04/25/campus/live-pro-palestinian-student-activists-set-up-encampment-on-deering-meadow/>.

³⁷ In her April 29 public statement on the negotiations' failure, then-President Shafik offered a sanitized and incomplete description of the University's offers. For example, Shafik omitted that the University had proposed specific forms of divestment for consideration by ACSRI, offered amnesty for conduct violators, and offered scholarships for students with ties to Gaza and the West Bank. See Statement from Columbia Univ, President Minouche Shafik, Columbia Univ. (Apr. 29, 2024), <https://president.columbia.edu/news/statement-columbia-university-president-minouche-shafik-4-29>.

³⁸ Student Demands and Possible Columbia Univ. Responses (Apr. 22, 2024) (on file with Comm.).

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Columbia continued to appease the radical encampment when then-President Shafik promised to “explore pursuing” the encampment’s demands.³⁹

This mentality appears to be shared by Columbia’s current leadership. In September 2024, Columbia’s Interim President Katrina Armstrong shamefully apologized to students arrested for the takeover of Hamilton Hall and for participating in the encampment.⁴⁰

(3) So-Called University Leaders Intentionally Declined to Support Jewish Communities on Campus

The Committee found that so-called university leaders deliberately chose to withhold support from Jewish communities on campus, demonstrating a refusal to address the hostile environments at their institutions. On many campuses numerous antisemitic students, faculty, and staff openly supported Hamas’ terrorism and engaged in harassment and intimidation of Jewish communities.⁴¹ Jewish students, faculty, and staff often felt abandoned by administrators’ passive and muted responses to the explosion of antisemitic hate on campus. The Committee’s investigation found that these failures to act were not mere oversights but intentional decisions.

- **Harvard Administrators Deliberately Chose Not to Condemn Hamas in Their Widely Criticized October 9th Statement:** Harvard was widely criticized when its October 9th statement on the October 7th attack failed to condemn Hamas.⁴² The statement was issued by then-President Gay, current President (then-Provost) Alan Garber, and the deans of Harvard’s various schools. The Committee’s investigation revealed that this group of Harvard’s top administrators made deliberate decisions to remove draft language that denounced Hamas’ terrorism, acknowledged the impact of the taking of hostages upon the Harvard community, and called Hamas’ attack “violent,” while insisting on including

³⁹ Statement from Columbia Univ, President Minouche Shafik, Columbia Univ. (Apr. 29, 2024), <https://president.columbia.edu/news/statement-columbia-university-president-minouche-shafik-4-29>.

⁴⁰ Esha Karam, Shea Vance, & Sarah Huddleston, *‘I’m really sorry’: Armstrong apologizes to those ‘hurt’ by NYPD sweeps*, COLUMBIA SPECTATOR (Sept. 19, 2024), <https://www.columbiaspectator.com/news/2024/09/19/im-really-sorry-armstrong-apologizes-to-those-hurt-by-nypd-sweeps/>.

⁴¹ See: J. Sellers Hill, *Harvard Student Groups Face Intense Backlash for Statement Calling Israel ‘Entirely Responsible’ for Hamas Attack*, HARVARD CRIMSON (Oct. 10, 2023), <https://www.thecrimson.com/article/2023/10/10/psc-statement-backlash>; Haley Cohen, *Columbia University, Barnard College silent after faculty letter calls Hamas terrorist attack a legitimate ‘military action’*, JEWISH INSIDER (Oct. 31, 2023), <https://jewishinsider.com/2023/10/columbia-university-barnard-college-faculty-letter-hamas-terror-attack-israel>; Emily Scolnick, *Pro-Palestinian student activists denounce Penn, call Oct. 7 Hamas attacks ‘a necessary step’*, Daily Pennsylvanian (Oct. 16, 2024), <https://www.thedp.com/article/2024/10/penn-philadelphia-students-for-justice-in-palestine-statement>; Sharon Otterman, *Pro-Palestinian Group at Columbia Now Backs ‘Armed Resistance’ by Hamas*, NY TIMES (OCT. 9, 2024), <https://www.nytimes.com/2024/10/09/nyregion/columbia-pro-palestinian-group-hamas.html>.

⁴² Miles J. Herszenhorn, *Harvard Affiliates, Politicians Slam University Leaders Over Late, ‘Word Salad’ Statement on War in Israel*, HARVARD CRIMSON (Oct. 10, 2023), <https://www.thecrimson.com/article/2023/10/10/harvard-statement-criticized>.

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language expressing equivalence between Hamas' attack and the limited Israeli military operations in Gaza that had taken place at the time.⁴³

- **Harvard's Then-President Gay and Then-Provost Garber Asked Harvard Corporation Senior Fellow Penny Pritzker Not to Call the Slogan "From The River To The Sea" Antisemitic:** The eliminationist antisemitic slogan, "From the River to the Sea," which calls for Israel to be wiped off the map and replaced with a Palestinian state, has been a hallmark of antisemitic activism at Harvard and other schools. Gay and Garber both objected to Harvard Corporation Senior Fellow Penny Pritzker calling the phrase antisemitic hate speech.⁴⁴ Gay asked Pritzker not to characterize the slogan as such, because Gay was concerned doing so would raise the question of whether Harvard would take disciplinary action.⁴⁵ Notably, Gay did not cite free speech principles as a reason for not taking disciplinary action as she had asserted in other venues, but rather, "contestation about what constitutes antisemitic speech."⁴⁶ Gay's response to Pritzker thus appears to substantiate criticisms that Harvard has treated antisemitic chants differently than other forms of hate.
- **Columbia University Failed to Correct False Narratives of a "Chemical Attack" Used to Vilify Jewish Students but Imposed Disproportionate Discipline on Jewish Students Involved:** Columbia University administrators allowed a false narrative that Jewish students had perpetrated a "chemical attack" at an anti-Israel rally to persist for months despite knowing it was false and that the students involved had merely sprayed novelty "fart sprays."⁴⁷ In an apparent case of disparate treatment, the Jewish students responsible were given excessive year-and-a-half long suspensions, substantially longer than any suspension for antisemitic conduct violations.⁴⁸ Columbia failed to correct the record despite requests from the Jewish community, even as anti-Israel students used the false narrative of a "chemical attack" purportedly involving military-grade "skunk spray" to demonize Jewish students and call for excluding Israelis.⁴⁹ Columbia finally acknowledged that the incident was not a "chemical attack" in August 2024, pursuant to a settlement with one of the Jewish

⁴³ E-mail from Claudine Gay, President, Harvard Univ. to Penny Pritzker, Senior Fellow, Harvard Corp. (Oct. 22, 2023, 11:24 AM) (on file with Comm.); E-mail from Claudine Gay, President, Harvard Univ. to Penny Pritzker, Senior Fellow, Harvard Corp. (Oct. 22, 2023, 10:46 PM) (on file with Comm.).

⁴⁴ E-mail from Penny Pritzker, Senior Fellow, Harvard Corp., to Claudine Gay, President, Harvard Univ. (Oct. 22, 2023, 8:59 AM) (on file with Comm.).

⁴⁵ E-mail from Claudine Gay, President, Harvard Univ. to Penny Pritzker, Senior Fellow, Harvard Corp. (Oct. 22, 2023, 10:46 PM) (on file with Comm.).

⁴⁶ E-mail from Claudine Gay, President, Harvard Univ. to Penny Pritzker, Senior Fellow, Harvard Corp. (Oct. 22, 2023, 10:46 PM) (on file with Comm.).

⁴⁷ STAFF OF H. COMM. ON ED. & THE WORKFORCE, 118TH CONG., ANTISEMITISM ON COLLEGE CAMPUSES EXPOSED 48-56 (Comm. Print 2024); Disciplinary Record, Columbia Univ. (Feb. 23, 2024) (on file with Comm.).

⁴⁸ Columbia failed to impose meaningful discipline for numerous serious antisemitic conduct offenses. *See* ANTISEMITISM ON COLLEGE CAMPUSES EXPOSED at 59-64; Confidential Settlement Agreement (Aug. 29, 2024) (on file with Comm.).

⁴⁹ ANTISEMITISM ON COLLEGE CAMPUSES EXPOSED at 48-56; Aneeta Bhole, *Antisemitic poster of skunk with Star of David plastered across Columbia University: 'Villainizes Jewish and Israeli students'*, NEW YORK POST (Feb. 6, 2024), <https://nypost.com/2024/02/06/metro/antisemitic-skunk-poster-plastered-across-columbia/>.

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students excessively disciplined, which also awarded the student \$395,000 and modified the suspension to conditional disciplinary probation.⁵⁰

(4) Universities Failed to Enforce Their Rules and Impose Meaningful Discipline for Antisemitic Behavior, and in Some Cases, Radical Faculty Thwarted Meaningful Discipline.

Universities have often asserted that their FERPA obligations prevent sharing information about their responses to disciplinary cases, but that they would address antisemitic incidents seriously.⁵¹ In fact, the Committee's review of disciplinary information, produced by 11 universities, reveals that the schools utterly failed to enforce their rules and impose discipline in response to antisemitic conduct violations, encouraging future transgressions. In some cases, radical faculty thwarted meaningful discipline. A sample of relevant statistics and cases are presented below:

- **Columbia University:** Columbia said the 22 students arrested for the criminal takeover of Hamilton Hall would face expulsion.⁵² Instead, the University lifted the students' interim suspensions after pushback from radical faculty, allowing 7 to graduate, restoring 11 to good standing, and leaving 3 with preexisting sanctions suspended and 1 on probation.⁵³ Despite dozens of students being arrested for conduct related to Hamilton Hall and the encampment, or having faced discipline for other egregious antisemitic incidents; Columbia failed to expel students and issued final suspensions to only four students.⁵⁴

Members of Columbia's University Senate, led by Executive Committee Chair Jeanine D'Armiento, thwarted discipline by intimidating Columbia's weak leaders into allowing the Hamilton Hall perpetrators to avoid real discipline.⁵⁵ Columbia dropped the arrested students' interim suspensions, transferring their cases from an administrator-driven disciplinary process to a feeble Rules of University Conduct process under the control of the

⁵⁰ Confidential Settlement Agreement (Aug. 29, 2024). (on file with Comm.).

⁵¹ For example, in the Committee's December 5, 2023, hearing, then-Harvard President Claudine Gay cited FERPA obligations in refusing to answer questions on Harvard's disciplinary response to antisemitic incidents, but testified, "I can assure you we have robust student disciplinary processes" and that, "students have been held to account for any episode in which they violated our behavior based policies." See: *Holding Campus Leaders Accountable and Confronting Antisemitism Before the H. Comm. on Ed. & the Workforce*, 118th Cong. 56 (2023), <https://www.congress.gov/118/chr/CHRG-118hhrg56239/CHRG-118hhrg56239.pdf>.

⁵² Press Release, Columbia Univ. Off. of Pub. Affs., Columbia Updates (Apr. 30, 2024, 5:40 PM), <https://communications.news.columbia.edu/news/campus-updates>.

⁵³ *2024.08.14 - Appendix A to Columbia Letter (revised)*, Columbia Univ. (Aug. 14, 2024) (on file with Comm.); Letter from Counsel, Columbia Univ., to Virginia Foxx, Chairwoman, H. Comm. on Ed. & the Workforce (Oct 11, 2024) (on file with the Comm.).

⁵⁴ Letter from Counsel, Columbia Univ., to Virginia Foxx, Chairwoman, H. Comm. on Ed. & the Workforce (Oct 15, 2024) (on file with the Comm.).

⁵⁵ ANTISEMITISM ON COLLEGE CAMPUSES EXPOSED at 88-106; *Discipline*, Stand Columbia Society (Oct. 23, 2024), <https://standcolumbia.org/discipline/>.

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University Senate, which allowed nearly all arrested students to graduate or return to campus.⁵⁶

- **University of Pennsylvania (“Penn”):** Despite multiple serious antisemitic incidents, including building occupations, a riot at the Interim President’s house, an unlawful encampment that resulted in the arrest of nine students, and theft of an Israeli flag from a Jewish student’s house by a student who later burned it at a rally where she gave a viral pro-Hamas rant, Penn imposed little discipline.⁵⁷ Only three students at Penn were suspended for a single semester and 14 students received semester-long disciplinary probations.⁵⁸
- **UCLA:** Ninety-two of the 96 students arrested at the UCLA encampment signed resolution agreements allowing them to escape disciplinary consequences.⁵⁹ None were disciplined for the antisemitic checkpoints that violated Jewish students’ civil rights by restricting them from central parts of campus.⁶⁰
- **Harvard University:** Harvard failed to suspend any students for conduct violations related to numerous antisemitic incidents including an unlawful encampment, the occupation of a campus building, and repeated disruptions of classes with bullhorns.⁶¹ Harvard College’s disciplinary board downgraded many sanctions. This included diluting five suspensions of over a year, probations lasting no longer than a semester, and lowering the probations of 35 students to shorter periods.⁶² Harvard Corporation Senior Fellow Penny Pritzker acknowledged that the disciplinary boards’ unwillingness to impose sanctions was a real problem and said that the Corporation found the situation “unacceptable.”⁶³
- **Rutgers University:** Despite constant antisemitic acts of disruption and harassment, including encampments on multiple campuses and the disruption of a town hall that forced Rutgers’ president to flee with a police escort, Rutgers suspended only three students and placed four on probation.⁶⁴ None of the students faced consequences for their involvement in the Rutgers encampments. As part of a pattern of disparate treatment, however, Rutgers took

⁵⁶ *Id.*

⁵⁷ ANTISEMITISM ON COLLEGE CAMPUSES EXPOSED at 64-67.

⁵⁸ Disciplinary Chart (amended), Univ. of Penn. (Oct. 14, 2024) (on file with Comm.).

⁵⁹ Disciplinary Chart, Univ. of Cal. Los Angeles (Oct. 8, 2024) (on file with Comm.).

⁶⁰ Disciplinary Chart, Univ. of Cal. Los Angeles (Oct. 8, 2024) (on file with Comm.).

⁶¹ Harvard University Disciplinary Chart, H. Comm. on Ed. and the Workforce (Sept. 26, 2024), https://edworkforce.house.gov/uploadedfiles/harvard_disciplinary_charts_clean_mb_redacted_redacted.pdf.

⁶² H. Comm. on Education and the Workforce, *Harvard University Failed to Discipline Antisemitic Conduct Violations* (Sept. 23, 2024), https://edworkforce.house.gov/uploadedfiles/9.23.2024_harvard_disciplinary_final.pdf; Harvard University Disciplinary Chart, H. Comm. on Ed. and the Workforce (Sept. 26, 2024), https://edworkforce.house.gov/uploadedfiles/harvard_disciplinary_charts_clean_mb_redacted_redacted.pdf;

⁶³ Penny Pritzker, Transcribed Interview before the H. Comm. on Ed. & the Workforce, 73 (Aug. 29, 2024) (on file with Comm.).

⁶⁴ Disciplinary chart (amended), Rutgers Univ. (Sept. 20, 2024) (on file with Comm.).

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harsh disciplinary actions against Jewish students for speaking out about antisemitism they experienced.⁶⁵

- **University of California, Berkeley (“UC Berkeley”)**: Despite an unlawful encampment, student riots, building occupations, and the obstruction of a major gate to the center of campus, UC Berkeley issued no suspensions and placed only one student on probation.⁶⁶
- **Northwestern University**: Despite numerous antisemitic incidents, Northwestern placed only seven students on disciplinary probation and issued a warning to one student. Not a single Northwestern student faced disciplinary sanctions for the unlawful encampment, despite multiple incidents in which Jewish students experienced grotesque harassment.⁶⁷
- **Massachusetts Institute of Technology (“MIT”)**: MIT failed to suspend a single student for antisemitic conduct violations despite an encampment that required police intervention and arrests to clear, and numerous other significant antisemitic conduct incidents.⁶⁸ Notably, MIT failed to suspend any of the 27 students who were referred for discipline for the MIT encampment.⁶⁹
- **Barnard College**: Barnard, a Columbia affiliate, overwhelmingly failed to discipline the numerous Barnard students who participated in the Columbia encampment. Fifty of 55 students initially placed on interim suspension for participating in the encampment had their suspensions lifted through “alternative resolution” agreements letting them off with short probations.⁷⁰ Four who did not sign the agreements still had their suspensions lifted⁷¹
- **Yale University**: Since October 7, 2023, Yale has not suspended a single student, and only placed two students on probation despite many antisemitic conduct incidents.⁷² Notably, no students were disciplined for establishing antisemitic checkpoints blocking Jewish students from parts of campus.⁷³
- **George Washington University (“GWU”)**: Of the 22 students who faced disciplinary proceedings for the antisemitic GWU encampment, where mock trials called for the GWU president and other officials to be beheaded and hanged for not divesting from Israel, only

⁶⁵ ANTISEMITISM ON COLLEGE CAMPUSES EXPOSED at 72.

⁶⁶ Berkeley Disciplinary Chart (amended), Univ. of Cal. Berkeley. (Oct. 8, 2024) (on file with Comm.).

⁶⁷ Northwestern Disciplinary Chart (amended), Nw. Univ. (Oct. 14, 2024) (on file with Comm.).

⁶⁸ MIT Disciplinary Chart (amended), Mass. Inst. of Tech. (Oct. 22, 2024) (on file with Comm.).

⁶⁹ *Id.*

⁷⁰ Letter from Counsel, Barnard Coll., to Virginia Foxx, Chairwoman H. Comm. on Ed. and Workforce (Oct. 14, 2024) (on file with Comm.); Barnard College Disciplinary chart (amended), Barnard Coll. (Oct. 14, 2024) (on file with Comm.).

⁷¹ *Id.*

⁷² E-mail from Counsel, Yale Univ., to Comm. (Oct. 17, 2024, 8:22 PM) (on file with Comm.); E-mail from Counsel, Yale Univ., to Comm. (Oct. 14, 2024, 4:09 PM) (on file with Comm.); E-mail from Counsel, Yale Univ., to Comm. (June 19, 2024, 1:13 PM) (on file with Comm.).

⁷³ *Id.*

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one student was suspended. Despite numerous antisemitic conduct violations, GWU has suspended only one student and placed 16 on varying lengths of probation.⁷⁴

(5) So-Called University Leaders Expressed Hostility to Congressional Oversight and Treated Campus Antisemitism as a Public Relations Issue, Not a Serious Problem Demanding Action.

So-called university leaders expressed hostility and contempt toward congressional oversight of campus antisemitism and public criticism. Rather than treat the antisemitic hate plaguing their campuses as a serious problem, they handled it as a public relations issue. For example, at Harvard, then-President Gay disparaged Representative Elise Stefanik in an official Board of Overseers meeting after Representative Stefanik's questioning yielded Gay's disastrous December 5, 2023, testimony,⁷⁵ falsely calling Representative Stefanik a "purveyor of hate" and "supporter of proudboys."⁷⁶ Other examples include Penn administrators trying to orchestrate media coverage depicting Members of Congress as "bullying and grandstanding" and Columbia Board of Trustees leaders dismissing congressional oversight on campus antisemitism as "capital [sic] hill nonsense" and expressing hope Democrats would win the House and spare them from further oversight.⁷⁷

C. Recommendations

The Committee's findings demand action. Universities must make significant changes to comply with the requirements of federal law and meet their obligations to protect Jewish and Israeli students, faculty, and staff and ensure a safe, uninterrupted learning environment. In addition, the executive branch should hold universities accountable for their failures to address campus antisemitism with meaningful consequences. Lastly, Congress should pass legislation to support students and ensure accountability.

Universities

- **Universities Must Enforce Their Conduct Rules and Impose Meaningful Discipline:** The Committee's investigation found that postsecondary institutions failed to enforce rules and impose meaningful discipline in response to antisemitic conduct violations, an abdication of their Title VI responsibility to prevent a hostile environment. To comply with their Title VI obligations, universities must enforce their conduct rules and enact meaningful disciplinary sanctions, including suspension, expulsion, and termination of employment where appropriate. Additionally, Jewish students received inappropriate or excessive

⁷⁴ Letter from Counsel, George Washington Univ., to Comm. (Oct. 11, 2024) (on file with Comm.); GWU Disciplinary chart (amended), George Washington Univ. (Oct. 11, 2024) (on file with Comm.); Stu, (@thetustustudio), TWITTER (May 3, 2024, 7:42 PM), <https://x.com/thetustustudio/status/1786541753064931643>.

⁷⁵ Meeting minutes, Board of Overseers, Harvard Univ. (Dec. 10, 2023) (on file with Comm.).

⁷⁶ *Id.*

⁷⁷ Text messages between Leah Popowich, Larry Platt, & Anna Cowenhoven (Dec. 5, 2023) (on file with Comm.); Text messages between David Greenwald, Co-Chair, Board of Trustees, Colum. Univ. and Jonathan Lavine, Chair Emeritus, Board of Trustees, Colum. Univ. (Jan. 7, 2024) (on file with Comm.); Text message from Claire Shipman, Co-Chair, Board of Trustees, Colum. Univ., to Minouche Shafik, President, Colum. Univ. (Dec. 28, 2024, 10:57 AM) (on file with Comm.).

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discipline, including for actions that should not have been conduct violations, such as speaking out about antisemitism. This contrasts with the meager discipline imposed for serious antisemitic incidents. These failures raise significant Title VI disparate treatment concerns, and universities must examine their disciplinary processes to eliminate such disparate treatment.

- **Universities Must Protect Student Safety to Maintain a Safe and Uninterrupted Learning Environment:** Many universities allowed unlawful antisemitic encampments and other protests to persist that threatened the safety of their campus communities, disrupted university operations, and created hostile environments. Universities must take seriously their obligation to preserve a safe and uninterrupted learning environment and prevent hostile environments. Maintaining order and safety, such as by clearing encampments, stopping attempts to obstruct Jewish students' movements across campus as occurred at universities including UCLA and Yale, and preventing disruptions of classes, lectures, and other activities, must begin immediately. Institutions should ensure that their police and security capabilities are sufficient to maintain safety and order.
- **Universities Should Forcefully Reject Antisemitism:** As antisemitic conduct raged on their campuses, many university leaders remained conspicuously silent or subdued. Statements that antisemitism has no place on a campus are meaningless if university heads fail to act on those words. Double standards are unacceptable and raise disparate treatment concerns under Title VI. Universities should condemn antisemitic speech, as they have for hate targeting any other minority group. Universities should also reform admissions and hiring processes that have filled their student bodies, faculties, and staffs with pro-Hamas antisemites.
- **Universities Must Recognize That Discrimination Against "Zionists" is an Unacceptable Antisemitic Civil Rights Violation:** Universities should make clear that discrimination against Zionists is an unacceptable violation of their conduct policies and must prevent hostile environments created by discrimination against "Zionists." Campus Jewish communities are often targeted through antisemitic discrimination and harassment on the purported basis of being "Zionists." While criticism of Israel is not inherently antisemitic, hatred against "Zionists" is.⁷⁸ Anti-Zionism has been recognized as a form of antisemitism by major Jewish organizations and a bipartisan vote of the U.S. House of Representatives.⁷⁹
- **Universities Must Increase Academic Rigor and Viewpoint Diversity:** Universities that take billions in taxpayer dollars have been captured by radical faculties. In the humanities and social sciences areas, faculty espouse a narrow range of views which are oftentimes deeply antisemitic. Academic standards have deteriorated, and at many institutions viewpoint diversity is nearly nonexistent. This must change, especially among tenured faculty.

⁷⁸ To discriminate against "Zionists" would have the effect of discriminating against the vast majority of Jews. The Anti-Defamation League defines Zionism as "the movement for the self-determination and statehood for the Jewish people in their ancestral homeland, the land of Israel." A 2020 Pew Research Center survey found 82 percent of American Jews said caring about Israel is an "important or essential" part of their Jewish identity." See *U.S. Jews' connections with and attitudes toward Israel*, Pew Research Center (May 11, 2021), <https://www.pewresearch.org/religion/2021/05/11/u-s-jews-connections-with-and-attitudes-toward-israel/>

⁷⁹ 169 CONG. REC. H6131 (daily ed. Dec. 5, 2023).

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Universities must restore academic rigor and stop their programs from being platforms for intellectually bankrupt radicalization and indoctrination, including the perpetuation of antisemitic falsehoods.

- **Universities Must Increase Transparency Regarding Their Handling of Conduct Incidents:** Universities have frequently refused to share details with the public on their handling of conduct incidents, leaving campus communities in the dark as to what actions, if any, were taken. While universities have often asserted the *Family Educational Rights and Privacy Act* (FERPA) as a purported ground for refusing to produce this information, their blanket refusals go beyond FERPA's requirements. Schools have handled this issue inconsistently, often asserting FERPA as a grounds for not releasing information they prefer to withhold, while on the other hand sharing information on specific incidents publicly or to non-governmental third-parties in certain instances where it suited them.⁸⁰ Institutions can and should share more information on their handling of antisemitic conduct incidents.

The Executive Branch

- **The Executive Branch Should Aggressively Enforce Title VI and Hold Universities Accountable for Violating Their Obligations:** Despite a historic explosion of virulent antisemitism, the Biden-Harris administration failed to hold universities accountable for Title VI violations. The Department of Education has not imposed real consequences for noncompliant institutions, initiated proactive compliance reviews or directed investigations as called for by its own procedures,⁸¹ nor has it issued a promised rulemaking implementing President Trump's December 2019 Executive Order on Combating Antisemitism.⁸² The executive branch should aggressively enforce Title VI and hold schools accountable for their failures to protect students. Universities that fail to fulfill the obligations upon which their federal funding is predicated or whose actions make clear they are unfit stewards of taxpayer dollars should be treated accordingly.
- **The Executive Branch Should Ensure Rigorous Adherence to the Clery Act and Issue Fines to Noncompliant Universities:** The Department of Education should promote transparency and accountability around campus safety by ensuring institutions comply with the Clery Act. Designated Clery Act crimes including assaults on Jewish students have been committed with antisemitic motivations. In the face of the explosion of such conduct, the

⁸⁰ See, e.g., Miranda Nazzaro, Columbia says it has begun suspending students who refuse to leave encampment, THE HILL (Apr. 29, 2024), <https://thehill.com/homenews/education/4630879-columbia-says-it-has-begun-suspending-students-who-refuse-to-leave-encampment/>; Rebecca Cohen, *Columbia University says it has banned student protester who said 'Zionists don't deserve to live'*, NBC NEWS (Apr. 27, 2024), <https://www.nbcnews.com/news/us-news/columbia-university-says-banned-khymani-james-protester-said-zionists-rcna149642>; Harvard University provided information regarding the October 18 assault of an Israeli Harvard Business School student to a third party, see: E-mail from Claudine Gay, President, Harv. Univ., to Penny Pritzker, et al. (Oct. 22, 2024, 11:24 AM) (on file with Comm.).

⁸¹ U.S. DEP'T OF ED. OFF. OF C.R., CASE PROCESSING MANUAL (May 7, 2024), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf>.

⁸² Exec. Order No. 13899, 84 Fed. Reg. 68779 (Dec. 11, 2019); The Biden Administration has failed to issue a notice of proposed rulemaking to implement EO 13899, see *Confronting the Scourge of Antisemitism on Campus Before the H. Comm. on Ed. & the Workforce*, 118th Cong. 27 (2023) (statement of Kenneth Marcus, Chairman, Brandeis Center for Human Rights Under Law).

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Department appears not to have conducted program reviews at colleges to ensure their compliance with reporting requirements. The new administration should rigorously enforce the Clery Act to prompt colleges to maintain safe campuses.

Congress

- **Congress Should Pass Legislation Removing Title IV Eligibility from Any University That Boycotts or Divests From Israel:** A significant amount of campus unrest resulted from anti-Israel radicals' efforts to coerce institutions to divest from and boycott Israel. Congress can help stop this madness by passing legislation so any institution of higher education that contravenes U.S. foreign policy by boycotting or divesting from Israel will become ineligible for federal student aid under Title IV. Federal laws already prohibit U.S. persons from participating in unsanctioned foreign boycotts, most notably the Arab League boycott of Israel, with significant criminal and administrative penalties for violators.⁸³
- **Congress Should Pass the DETERRENT Act:**⁸⁴ There has been significant concern regarding potential malign foreign influence in postsecondary education, including in funding antisemitic faculty and programs. The DETERRENT Act would reform section 117 of the *Higher Education Act* to strengthen enforcement and bring much-needed transparency and accountability to existing requirements, mandating the disclosure of foreign gifts. DETERRENT passed the House in a bipartisan 246-170 vote.⁸⁵
- **Congress Should Pass the *College Cost Reduction Act* ("CCRA"):** For too long, unlimited taxpayer dollars have allowed colleges to raise tuition endlessly,⁸⁶ fueling a spending spree on factors contributing to the rise in campus antisemitism, including the proliferation of Diversity, Equity, and Inclusion administrators and radical academic centers.⁸⁷ Universities must refocus their missions to academic rigor and programs that provide returns on students' investments. The CCRA will hold colleges accountable for charging exorbitant prices for

⁸³ Bureau of Industry & Security, *Antiboycott Compliance under the EAR*, U.S. DEP'T. OF COMMERCE, <https://www.bis.doc.gov/index.php/enforcement/oac>.

⁸⁴ Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions Act, H.R. 5933, 118th Cong. (2024).

⁸⁵ 169 CONG. REC. H6184 (daily ed. Dec. 6, 2023).

⁸⁶ DAVID O. LUCCA, ET AL., CREDIT SUPPLY AND THE RISE IN COLLEGE TUITION: EVIDENCE FROM THE EXPANSION IN FEDERAL STUDENT AID PROGRAMS, FED. RESERVE BANK OF N.Y. (Jul. 2015), https://www.newyorkfed.org/medialibrary/media/research/staff_reports/sr733.pdf; GREY GORDON AND AARON HEDLUND, ACCOUNTING FOR TUITION INCREASES ACROSS U.S. COLLEGES (Oct. 28, 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3720860; SANDRA E. BLACK, ET AL., PLUS OR MINUS? THE EFFECT OF GRADUATE SCHOOL LOANS ON ACCESS, ATTAINMENT, AND PRICES, NAT'L BUREAU OF ECONOMIC RESEARCH (May 2023), <https://www.nber.org/papers/w31291>.

⁸⁷ Melissa Korn, et al., *Colleges Spend Like There's No Tomorrow. 'These Places Are Just Devouring Money.'*, THE WALL STREET JOURNAL (Aug. 10, 2023), <https://www.wsj.com/articles/state-university-tuition-increase-spending-41a58100>; Jennifer Kabbany, Ohio State University doubled DEI staff in five years, payroll costs almost tripled, The College Fix (Nov. 3, 2023), <https://www.thecollegefix.com/ohio-state-university-doubled-dei-staff-in-five-years-payroll-costs-almost-tripled/>; Jason Bedrick, *Here's How the Federal Government Is Funding Antisemitism With Your Tax Dollars*, HERITAGE FDN. (Jan. 30, 2023), <https://www.heritage.org/civil-society/commentary/heres-how-the-federal-government-funding-antisemitism-your-tax-dollars>.

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valueless degrees and provide a pathway for states and new accreditors to focus on degree quality rather than appeasing progressive agendas. By ending the stream of subsidies for radicalism and holding schools accountable for their graduates' success, colleges will need to focus less on "woke" initiatives and more on ensuring students have access to an affordable education and a well-paying job after they graduate.⁸⁸

⁸⁸ Robert Kelchen and Marc Novicoff, *Are Gaza Protests Happening Mostly at Elite Colleges?*, WASH. MONTHLY (May 24, 2024), <https://washingtonmonthly.com/2024/05/24/are-gaza-protests-happening-mostly-at-elite-colleges/>.

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IV. The Committee on Energy and Commerce

A. Overview of the Investigation

Incidents of antisemitism exploded across colleges, universities, and other institutions⁸⁹ in the U.S. since the October 7, 2023, Hamas terrorist attack on Israel. While antisemitism has been a growing issue, this attack amplified these tensions aimed at the Jewish community. Moreover, antisemitism has spread into and infected our health care systems, including medical schools and hospital systems.

The Committee on Energy and Commerce (“E&C”) and the Committee on Education and the Workforce (“E&W”) opened investigations into the extent to which HHS and one of its awarding agencies, the National Institutes of Health (“NIH”), are ensuring that institutions receiving hundreds of millions of taxpayer dollars from HHS or NIH are complying with relevant federal civil rights laws and are providing safe environments for all, particularly those individuals of Jewish ancestry.⁹⁰ The Committees also opened investigations into the Advanced Research Projects Agency for Health (“ARPA-H”), an independent agency within NIH that has funded more than \$595 million in biomedical and health research at institutions and organizations in the last year alone.⁹¹ Thus far the Committees have launched investigations into incidents of antisemitism at three NIH-funded institutions: the University of California, San Francisco⁹² and Columbia University,⁹³ including their medical schools and associated health care systems, and the Gladstone Institutes, an independent research institution.⁹⁴

The Committees’ investigation found that HHS, NIH and HHS OCR failed to act in the wake of emerging antisemitism across college campuses, medical schools, and medical systems. HHS leadership has refused either to cooperate with congressional inquiries into their actions – or lack thereof – or to require federal taxpayer funded institutions to comply with civil rights laws and prevent antisemitism at their institutions. Investigation into the NIH-funded institutions unearthed fear amongst institutional leadership to publicly push back on antisemitic behavior.

⁸⁹ In this report, institutions refer to organizations such as colleges, universities, and research institutes which receive federal taxpayer funding.

⁹⁰ H. Comm. on Energy and Commerce and H. Comm. on Education & the Workforce, Letter to HHS Sec’y Xavier Becerra (May 23, 2024), https://d1dth6e84htgma.cloudfront.net/05_23_24_Letter_to_HHS_re_Antisemitism_e86731652b.pdf; H. Comm. on Energy and Commerce and H. Comm. on Education and the Workforce, Letter to HHS Sec’y Xavier Becerra (Sept. 18, 2024), https://d1dth6e84htgma.cloudfront.net/09_18_24_Joint_Letter_to_HHS_Antisemitism_c6d7ffb666.pdf.

⁹¹ H. Comm. on Energy and Commerce and H. Comm. on Education and the Workforce, Letter to Director Renee Wegrzyn, Ph.D. (Oct. 2, 2024), https://d1dth6e84htgma.cloudfront.net/10_02_24_Joint_Letter_to_ARPA_H_Antisemitism_122a3a0f8b.pdf.

⁹² H. Comm. on Energy and Commerce, Letter to Chancellor Sam Hawgood (July 31, 2024), https://d1dth6e84htgma.cloudfront.net/07_31_24_Letter_to_UCSF_re_Antisemitism_a1bf4b421f.pdf.

⁹³ H. Comm. on Energy and Commerce and H. Comm. on Education & the Workforce, Letter to Interim President Dr. Katrina Armstrong (Sept. 18, 2024), https://d1dth6e84htgma.cloudfront.net/09_18_24_Joint_Letter_to_Columbia_Antisemitism_047ab2c1a7.pdf.

⁹⁴ H. Comm. on Energy and Commerce and H. Comm. on Education & the Workforce, Letter to President Dr. Deepak Srivastava (Nov. 21, 2024), https://d1dth6e84htgma.cloudfront.net/11_21_24_Joint_Letter_to_Gladstone_Antisemitism_Updated_a60e036b23.pdf.

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The lack of action by HHS, NIH, and the leadership at the institutions they fund allowed antisemitism to permeate and take root not only in the educational system but also in the medical system where vulnerable individuals need to trust that their provider will treat them fairly and appropriately regardless of their national origin.

U.S. Department of Health and Human Services

HHS contains numerous grant awarding agencies, such as the NIH. The NIH is the largest public funder of biomedical research in the world, funding nearly \$35 billion in biomedical and behavioral research grants awarded to colleges, universities, hospitals, and other institutions in fiscal year (“FY”) 2023 alone.⁹⁵ The NIH spent these federal taxpayer dollars in the form of nearly 59,000 awards across more than 2,700 institutions, referred to as grantee institutions, throughout the U.S. and internationally.⁹⁶ While the NIH is the component of HHS that manages and billions of dollars in funds per FY in biomedical and behavioral research grants, it does not have the authority to investigate or oversee investigations of discrimination and harassment at grantee institutions, such as antisemitism. Rather, as a law enforcement agency,⁹⁷ HHS OCR is charged with ensuring grantee institutions comply with federal laws, including Title VI of the *Civil Rights Act of 1964*, which protects against discrimination based on national origin.⁹⁸ HHS OCR has the authority to investigate allegations of antisemitism and to conduct reviews of grantee institutions to ensure compliance with relevant federal civil rights laws.⁹⁹

On May 23, 2024, E&C and E&W wrote a joint letter to HHS Secretary Xavier Becerra inquiring as to the extent to which the HHS and NIH are ensuring that grantee institutions are fostering and maintaining an environment free from harassment and discrimination.¹⁰⁰ This letter specifically pointed to the April 2024 antisemitic, and at times violent, protests that broke out across several prominent NIH-funded institutions—including Columbia University, the University of Southern California (“USC”), UCLA, GW, Harvard University, and Yale University—protests that resulted in unsafe learning and research environments for students, faculty, patients, and staff, especially for those of Jewish ancestry.¹⁰¹ For example, on April 17, 2024, at Columbia University, which received more than \$358 million in NIH funding in FY

⁹⁵ The National Institutes of Health (NIH), FY 2023 By the Numbers: Extramural Grant Investments in Research, available at <https://nexus.od.nih.gov/all/2024/02/21/fy-2023-by-the-numbers-extramural-grant-investments-in-research>.

⁹⁶ *Id.*

⁹⁷ U.S. Dep’t. of Health and Human Services Office of Civil Rights, OCR Mission & Vision, <https://www.hhs.gov/ocr/about-us/mission-vision/index.html>.

⁹⁸ U.S. Dep’t. of Health and Human Services Office of Civil Rights, Laws and Regulations Enforced by OCR, <https://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/laws/index.html>.

⁹⁹ U.S. Dep’t. of Health and Human Services Office of Civil Rights, Know the rights that protect us from discrimination based on race, color or national origin, [yourrightsundertitleviiofthecivilrightsact.pdf](https://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/laws/index.html) (hhs.gov).

¹⁰⁰ H. Comm. on Energy and Commerce and H. Comm. on Education & the Workforce, Letter to HHS Sec’y Xavier Becerra (May 23, 2024),

https://d1dth6e84htgma.cloudfront.net/05_23_24_Letter_to_HHS_re_Antisemitism_e86731652b.pdf.

¹⁰¹ *Id.*

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2023,¹⁰² an encampment including hundreds of protestors and tents sprang up on campus.¹⁰³ Banners and signs vandalized the campus—including residence halls—with antisemitic sentiments and even support for the terrorist organization Hamas.¹⁰⁴ Despite more than 100 arrests, the protests progressed to the occupation of a campus building and physical attacks of Jewish students—leading campus officials to move some classes online.¹⁰⁵ In addition, professors at Columbia University openly made antisemitic and even pro-Hamas statements, adding to the harassment of Jewish students.¹⁰⁶ A prominent rabbi at Columbia University also warned Jewish students to remain off-campus due to fears that the university and New York City police could not keep students safe.¹⁰⁷ Jewish students on campus also expressed concerns over their safety on campus and the mental and psychological toll the hostile environment is taking on their ability to work and learn.

According to the U.S. Department of Education's OCR, colleges and universities are prohibited from discriminating based on a variety of categories, including national origin.¹⁰⁸ A college or university is in violation of Title VI of the *Civil Rights Act of 1964* if: (1) there is harassing conduct on the basis of race, color, or national origin that is sufficiently serious as to limit or deny a student's ability to participate in or benefit from the educational program (i.e., creates a hostile environment); (2) a responsible employee of the school knew, or should have known, about the harassment; and (3) the school failed to take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from reoccurring, and as appropriate, remedy its effects.¹⁰⁹ According to NIH's Grant Policy Statement, any institution receiving federal funds must assure work environments are free of discriminatory harassment and are safe and conducive to high-quality work.¹¹⁰ HHS's OCR is responsible for ensuring that institutions that receive Federal financial assistance comply

¹⁰² National Institutes of Health (NIH), Research Portfolio Online Reporting Tools (RePORT): NIH awards by location & organization, <https://report.nih.gov/award/index.cfm?ot=DH,27,47,4,52,64,41,MS,20,16,6,13,10,49,53,86,OTHDH&fy=2023&state=&ic=&fm=&orgid=&distr=&rfa=&om=n&pid=>.

¹⁰³ Isa Farfan, et al., *How the Columbia protests sparked campus demonstrations across the country*, NBC NEWS (Apr. 24, 2024), <https://www.nbcnews.com/news/us-news/columbia-protests-sparked-campusdemonstrations-country-rcna148994>.

¹⁰⁴ Greg Wehner, *Columbia University student files class action lawsuit against school to protect Jews on campus*, FOX NEWS (Apr. 29, 2024), <https://www.msn.com/en-us/money/companies/columbia-university-student-files-class-action-lawsuit-against-school-to-protect-jews-on-campus/ar-AA1nTolZ>.

¹⁰⁵ Isa Farfan, et al., *How the Columbia protests sparked campus demonstrations across the country*, NBC NEWS (Apr. 24, 2024), <https://www.nbcnews.com/news/us-news/columbia-protests-sparked-campusdemonstrations-country-rcna148994>.

¹⁰⁶ Emi Tuyetnhi Tran, *Columbia University president grilled about campus antisemitism at congressional hearing*, NBC NEWS (Apr. 17, 2024), <https://www.nbcnews.com/news/education/columbia-university-president-grilled-campus-antisemitismcongressiona-rcna148177>.

¹⁰⁷ Doree Lewak and Isabel Keane, *Columbia rabbi warns Jewish students to go home, don't come back to campus because of 'extreme antisemitism'*, NEW YORK POST (Apr. 21, 2024), <https://www.msn.com/en-us/news/us/columbia-rabbi-warns-jewishstudents-to-go-home-don-t-come-back-to-campus-because-of-extreme-antisemitism/ar-AA1nouyc>.

¹⁰⁸ U.S. Dep't. of Education Office of Civil Rights, Know Your Rights: Title VI and Religion, <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>.

¹⁰⁹ *Id.*

¹¹⁰ National Institutes of Health (NIH), NIH Grants Policy Statement Apr. 2024, <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>.

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with Title VI as well as other civil rights laws.¹¹¹ Colleges or universities that violate Title VI can ultimately lose Federal funding.¹¹²

These six grantee institutions received more than **\$2.7 billion** in taxpayer funding through the NIH in FY 2023 alone.¹¹³ The Committees questioned what, if any, efforts the NIH is making to hold grantee institutions accountable for rising antisemitism on their campuses and what, if any, efforts HHS OCR is making to ensure grantee institutions' comply with Title VI.¹¹⁴ Furthermore, the Committees inquired about the number of complaints HHS OCR and NIH have received alleging incidents of antisemitism.¹¹⁵

After three months of follow-up from E&C staff, on August 22, 2024, the HHS Assistant Secretary for Legislation sent a two-page response on behalf of HHS Secretary Becerra.¹¹⁶ HHS refused to provide specific information about either HHS OCR or NIH steps taken to ensure institutions and universities receiving funding from HHS are complying with federal civil rights laws, or whether HHS OCR or NIH have received any complaints regarding potential violations of federal law as it pertains to antisemitism.¹¹⁷ Rather, HHS's response focused on publicly available documentation about what is or is not allowed under Title VI.¹¹⁸ Merely issuing guidance does not demonstrate that HHS, NIH or HHS OCR are taking any steps to ensure that universities or institutions are complying with federal civil rights laws, specifically as they pertain to antisemitism. Moreover, none of the guidance, training, or other information outlined by HHS has been developed or updated since the Hamas terrorist attack on October 7, 2024.

HHS also refused to provide any specific information about what NIH is doing to respond to significant antisemitic behavior at institutions to which it awards hundreds of millions of dollars each FY. The NIH has a duty to ensure that federal taxpayer funds do not support harassing or discriminatory behavior.

¹¹¹ U.S. Dep't. of Health and Human Services Office of Civil Rights, Laws and Regulations Enforced by OCR, <https://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/laws/index.html>.

¹¹² U.S. Dep't. of Education, U.S. Department of Education's Office for Civil Rights announces list of open Title VI shared ancestry investigations of institutions of higher education and K-12 schools, <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-announces-list-of-open>.

¹¹³ National Institutes of Health (NIH), Research Portfolio Online Reporting Tools (RePORT): NIH awards by location & organization, <https://report.nih.gov/award/index.cfm?ot=DH,27,47,4,52,64,41,MS,20,16,6,13,10,49,53,86,OTHDH&fy=2023&state=&ic=&fm=&orgid=&distr=&rfa=&om=n&pid=>.

¹¹⁴ H. Comm. on Energy and Commerce and H. Comm. on Education & the Workforce, Letter to HHS Sec'y Xavier Becerra (May 23, 2024), https://d1dth6e84htgma.cloudfront.net/05_23_24_Letter_to_HHS_re_Antisemitism_e86731652b.pdf; H. Comm. on Energy and Commerce and H. Comm. on Education & the Workforce, Letter to HHS Sec'y Xavier Becerra (Sept. 18, 2024), https://d1dth6e84htgma.cloudfront.net/09_18_24_Joint_Letter_to_HHS_Antisemitism_c6d7ffb666.pdf.

¹¹⁵ *Id.*

¹¹⁶ Prior to receiving HHS's limited response to the Committees' May 23, 2024, letter, the Committees followed up via email on June 13, 2024, July 8, 2024, Aug. 2, 2024, and earlier in the day Aug. 22, 2024, before finally receiving the HHS's response that afternoon.

¹¹⁷ Letter from Melanie Anne Egorin, PhD, HHS Assistant Sec'y for Leg., to The Hon. Cathy McMorris Rodgers, Chair, H. Comm. on Energy and Commerce and The Hon. Virginia Foxx, Chair, H. Comm. on Education & the Workforce (Aug. 22, 2024) (on file with the Comms.).

¹¹⁸ *Id.*

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Likewise, HHS refused to provide any information regarding whether HHS OCR or NIH received complaints of antisemitism from NIH-funded institutions in FY 2023 or FY 2024. Despite HHS OCR being the enforcement arm of HHS with the responsibility to investigate complaints of potential federal civil rights violations in NIH-funded programs and activities, HHS's response directed the Committees to NIH's Office of Extramural Research.¹¹⁹ This further illustrates HHS OCR's willingness to abandon its enforcement responsibilities when it comes to antisemitism at grantee institutions.

In response to HHS's inadequate response, on September 18, 2024, the Committees wrote another letter to HHS OCR requesting specific documentation outlining HHS OCR's and NIH's actions in preventing and responding to incidents of antisemitism at grantee institutions.¹²⁰ Secretary Becerra did not respond by the October 2, 2024, deadline and both Committees requested a follow-up meeting to discuss HHS's failure to deliver the requested documentation.¹²¹ During this meeting, HHS stated that it has no timeline or further information about when HHS expects to provide the Committees with the requested information. As of mid-December, HHS has failed to provide the Committees with additional information or an updated timeline for when information will be available, despite follow-up communications from committee staff.

HHS's refusal to adequately respond to the Committees' requests for information reflects HHS leadership's unwillingness to require institutions receiving federal taxpayer funding to comply with federal civil rights laws and provide a safe research environment free from discrimination and harassment for all students. The dismissive response leads the Committees to believe that HHS is either unconcerned or unable to demonstrate evidence of actions they are taking to appropriately handle complaints of antisemitism. Committee staff heard directly from a grantee institution that it has not been contacted by HHS OCR or NIH regarding the very public issues of antisemitism on its campus and associated medical centers to confirm the institution was ensuring a safe research environment for NIH-funded grants and complying with Title VI or communicating any specific guidance since before October 7, 2023.¹²²

On November 22, 2024, HHS OCR Director Melanie Fontes Rainer published a Dear Colleague Letter on antisemitism, islamophobia, and related forms of discrimination.¹²³ Rather than take meaningful action based on the Committee's inquiry, this letter once again pointed to

¹¹⁹ Letter from Melanie Anne Egorin, PhD, HHS Assistant Sec'y for Leg., to The Hon. Cathy McMorris Rodgers, Chair, H. Comm. on Energy and Commerce and The Hon. Virginia Foxx, Chair, H. Comm. on Education & the Workforce (Aug. 22, 2024) (on file with the Comms.).

¹²⁰ H. Comm. on Energy and Commerce and H. Comm. on Education & the Workforce, Letter to HHS Sec'y Xavier Becerra (Sept. 18, 2024), https://d1dth6e84htgma.cloudfront.net/09_18_24_Joint_Letter_to_HHS_Antisemitism_c6d7ffb666.pdf.

¹²¹ Email from staff, H. Comm. on Energy and Commerce and H. Comm. on Education & the Workforce to staff, HHS Office of the Assistant Secretary for Legislation (Oct. 4, 2024) (on file with the Comms.).

¹²² Video interview with Aaron Culter, Partner, and Ari Fridman, Counsel, Hogan Lovells, representing the University of California, San Francisco (Sept. 5, 2024).

¹²³ U.S. Dep't of Health and Human Services (HHS) Office for Civil Rights (OCR), *Addressing Discrimination based on Religion or Shared Ancestry and Ethnicity in HHS Funded Programs and Activities* (Nov. 22, 2024), <https://www.hhs.gov/sites/default/files/ocr-dcl-religious-discrimination-final.pdf>.

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guidance on HHS' website and White House fact sheets. This is yet another example of HHS's focus on platitudes over sincere action.

Advanced Research Projects Agency for Health

ARPA-H is an independent agency of HHS within NIH, that reports directly to Secretary Becerra.¹²⁴ ARPA-H was created to advance high-potential, high-impact biomedical and health research that cannot be readily accomplished through traditional research or commercial activity.¹²⁵ Appropriations for ARPA-H began in FY 2022, with total appropriations between FY 2022 and 2024 totaling \$4 billion.¹²⁶

On October 2, 2024, E&C and E&W opened investigations into the extent to which ARPA-H is ensuring the research it funds is conducted in an environment free from harassment and discrimination.¹²⁷ These inquiries stemmed in part due to the fact that of the 14 university-based projects ARPA-H funded in the last year, 11 are at universities that were recently or are currently under federal and/or congressional investigation for potential Title VI violations and/or are being sued in federal court for permitting antisemitic behavior on campus.¹²⁸ For example, Columbia University has been sued in federal court,¹²⁹ is currently undergoing several investigations by the U.S. Department of Education OCR,¹³⁰ and is undergoing investigation by

¹²⁴ Advanced Research Projects Agency for Health (ARPA-H), *Frequently Asked Questions*, <https://arpa-h.gov/about/faqs#:~:text=The%20Advanced%20Research%20Projects%20Agency%20for%20Health%20%28ARPA-H%29,on%20leveraging%20research%20advances%20for%20real%20world%20impact>.

¹²⁵ *Id.*

¹²⁶ U.S. Dep't of Health and Human Services (HHS) Advanced Research Projects Agency for Health (ARPA-H) Congressional Justification for Appropriations Committees Fiscal Year 2025, <https://arpa-h.gov/sites/default/files/2024-03/ARPA-H%20FY%202025.pdf#page=17> (see page 13 for FY 2023 and 2024).

¹²⁷ H. Comm. on Energy and Commerce and H. Comm. on Education and the Workforce, Letter to Director Renee Wegrzyn, Ph.D. (Oct. 2, 2024), [10_02_24_Joint_Letter_to_ARPA_H_Antisemitism_122a3a0f8b.pdf](https://www2.ed.gov/about/offices/list/ocr/sharedancestry-list.html?queries%5Bsearch%5D=columbia).

¹²⁸ U.S. Dep't of Education, *List of Open Title VI Shared Ancestry Investigations*, <https://www2.ed.gov/about/offices/list/ocr/sharedancestry-list.html?queries%5Bsearch%5D=columbia> (last accessed Sept. 4, 2024); U.S. Dep't. of Education, *U.S. Department of Education's Office for Civil Rights Announces List of Open Title VI Shared Ancestry Investigations of Institutions of Higher Education and K-12 Schools* (Nov. 16, 2023), <https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-announces-list-open-title-vi-shared-ancestry-investigations-institutions-higher-education-and-k-12-schools>; U.S. Dep't. of Education, *U.S. Department of Education's Office for Civil Rights Announces Resolution of a Complaint Against the University of Illinois – Urbana Champaign Alleging Antisemitic Discrimination* (Sept. 3, 2024), <https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-announces-resolution-complaint-against-university-illinois-%E2%80%93-urbana-champaign-alleging-antisemitic-discrimination>; H. Comm. on Energy and Commerce, Letter to Chancellor Sam Hawgood (July 31, 2024), https://d1dth6e84htgma.cloudfront.net/07_31_24_Letter_to_UCSF_re_Antisemitism_a1bf4b421f.pdf; AP and TOI Staff, *Judge dismisses antisemitism lawsuit against MIT, says Jewish students were kept safe*, THE TIMES OF ISRAEL (Aug. 8, 2024), <https://www.timesofisrael.com/judge-dismisses-antisemitism-lawsuit-against-mit-says-jewish-students-were-kept-safe/#:~:text=Massachusetts%20Institute%20of%20Technology>.

¹²⁹ "Kasowitz Files Amended Lawsuit Adding Dozens of New Plaintiffs and New Allegations of Columbia's Antisemitic Hostile Educational Environment and Egregious Civil Rights Violations," Kasowitz Benson Torres (June 18, 2024), <https://www.kasowitz.com/media/client-news/kasowitz-files-amended-lawsuit-adding-dozens-of-new-plaintiffs-and-new-allegations-of-columbia-s-antisemitic-hostile-educational-environment-and-egregious-civil-rights-violations/>.

¹³⁰ U.S. Dep't. of Education, *List of Open Title VI Shared Ancestry Investigations*, <https://www2.ed.gov/about/offices/list/ocr/sharedancestry-list.html?queries%5Bsearch%5D=columbia> (last accessed Sept. 4, 2024).

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congressional committees,¹³¹ for complaints of antisemitism. E&C is currently investigating the University of California, San Francisco (“UCSF”) regarding concerns of antisemitism at the university, medical school, and associated medical centers.¹³² The U.S. Department of Education recently closed its investigation into the University of Illinois-Urbana Champaign with a resolution agreement that found the university was not meeting its obligation under Title VI as it relates to complaints of shared ancestry discrimination—including 135 complaints of anti-Jewish discrimination.¹³³

As of mid-December 2024, ARPA-H has not provided any information to the Committees, despite follow-up by E&C Committee staff. Like HHS and NIH, ARPA-H does not seem to take seriously its role of ensuring federal taxpayer dollars are not spent on harassment and discrimination.

NIH-Funded Institutions

In addition to opening an investigation into HHS OCR and NIH’s role in appropriately responding and overseeing incidents of antisemitism, E&C opened several investigations into how NIH-funded institutions, specifically grantee institutions with medical schools and associated medical centers, were ensuring compliance with Title VI and ensuring safe environments for all members of the institution. Specifically:

- On July 31, 2024, E&C opened an investigation into UCSF, which received nearly \$790 million in grants from NIH in FY 2023,¹³⁴ due to ongoing and pervasive acts of antisemitic harassment and intimidation not only on the campus but within its associated medical centers under UCSF Health.¹³⁵ For example, patients walking to the medical center saw and heard pro-terror and pro-violence statements and symbols, including Hamas symbolism, at the nearby encampment in spring of 2024.¹³⁶ There were both public and confidential reports of patients of Jewish heritage and faith feeling unsafe or

¹³¹ H. Comm. on Education & the Workforce (Feb. 12, 2024), https://edworkforce.house.gov/uploadedfiles/2-12-24_foxx_letter_to_columbia_university.pdf; H. Comm. on Energy and Commerce, Letter to Interim President Dr. Katrina Armstrong (Sept. 18, 2024), <https://energycommerce.house.gov/posts/e-and-c-e-and-w-republicans-demand-answers-from-columbia-university>.

¹³² H. Comm. on Energy and Commerce, Letter to Chancellor Sam Hawgood (July 31, 2024), https://d1dth6e84htgma.cloudfront.net/07_31_24_Letter_to_UCSF_re_Antisemitism_albf4b421f.pdf.

¹³³ U.S. Dep’t of Education, *U.S. Department of Education’s Office for Civil Rights Announces Resolution of a Complaint Against the University of Illinois – Urbana Champaign Alleging Antisemitic Discrimination* (Sept. 3, 2024), <https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-announces-resolution-complaint-against-university-illinois-%E2%80%93-urbana-champaign-alleging-antisemitic-discrimination>.

¹³⁴ National Institutes of Health (NIH), *Research Portfolio Online Reporting Tools (RePORT): NIH awards by location & organization*, <https://report.nih.gov/award/index.cfm?ot=DH,27,47,4,52,64,41,MS,20,16,6,13,10,49,53,86,OTHDH&fy=2023&state=&ic=&fm=&orgid=&distr=&rfa=&om=n&pid=>.

¹³⁵ H. Comm. on Energy and Commerce, Letter to Chancellor Sam Hawgood (July 31, 2024), https://d1dth6e84htgma.cloudfront.net/07_31_24_Letter_to_UCSF_re_Antisemitism_albf4b421f.pdf.

¹³⁶ This information is based on screenshots of Instagram posts from a now deleted account (ucsf4palestine), videos of the encampment, flyers for the encampment, and other materials provided to the committee from confidential sources.

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uncomfortable when coming in for treatment.¹³⁷ While this investigation is ongoing, the Committee has been in regular contact with representatives for UCSF who have been cooperative with the inquiry.

- On September 18, 2024, E&C opened a joint investigation with E&W into Columbia University—including its medical school, Vagelos College of Physicians and Surgeons, and associated medical centers—as reports of antisemitism and even unequal medical treatment were reported.¹³⁸ For example, in July 2024, an Israeli student reported that when she went to the university’s health services, no one came into the room to see her and she overheard a discussion between two health care professionals in another room in which one said they would not treat her because she was Israeli.¹³⁹ She sat in the room for another ten minutes until someone finally came to address her health needs.¹⁴⁰ As of mid-December 2024, representatives of Columbia University have not provided any information to the Committees as a part of this investigation beyond an October 2, 2024, response of basic platitudes.¹⁴¹ E&C Committee staff sent follow-up requests for updates but have not received the requested information.¹⁴²
- On November 21, 2024, E&C opened a joint investigation with E&W into complaints of leadership turning a blind eye to antisemitic discrimination and harassment at the Gladstone Institute, an independent research institution with a strong partnership with UCSF. Specifically, when a highly antisemitic email was sent to all members of Gladstone by a trainee in response to October 7, 2023,¹⁴³ the institute’s response was, “I want to ask you all to refrain from sending emails to Gladstone-All on this topic [...]” and that “we should not allow any form of disrespectful speech, actions, or violence

¹³⁷ M.J. Koch, *Leading California Hospitals Are Becoming a ‘Battlefield’ as Jewish Patients, Doctors Face Surging Antisemitism*, THE NEW YORK SUN (Mar. 7, 2024), <https://www.nysun.com/article/leading-california-hospitals-are-becoming-a-battlefield-as-jewish-patients-doctors-face-surg-ing-antisemitism>; *see also* Heather Knight, *In San Francisco, Doctors Feud Over ‘Do No Harm’ When It Comes to War Protests*, THE NEW YORK TIMES (June 24, 2024), <https://www.nytimes.com/2024/06/24/us/israel-hamas-war-sf-doctors.html>; *see also* Ayala Orel, *Antisemitism at UCSF: ‘They Added Genocide in Gaza in a Presentation,’* YNETNEWS.COM (June 26, 2024), <https://www.ynetnews.com/article/hyjfzfl19ir>.

¹³⁸ H. Comm. on Energy and Commerce and H. Comm. on Education and the Workforce, Letter to Interim President Dr. Katrina Armstrong (Sept. 18, 2024),

https://d1dth6e84htgma.cloudfront.net/09_18_24_Joint_Letter_to_Columbia_Antisemitism_047ab2c1a7.pdf.

¹³⁹ Columbia University Task Force on Antisemitism, Report #2 Columbia University Student Experiences of Antisemitism and Recommendations For Promoting Shared Values and Inclusion (Aug. 2024), <https://president.columbia.edu/sites/default/files/content/Announcements/Report-2-Task-Force-on-Antisemitism.pdf>.

¹⁴⁰ *Id.*

¹⁴¹ Letter from Brian D. Smith, Partner, Covington, representing Columbia University, to The Hon. Cathy McMorris Rodgers et al., Chair, H. Comm. on Energy and Commerce and The Hon. Virginia Foxx et al., Chair, H. Comm. on Education & the Workforce (Oct. 2, 2024) (on file with the Comms.).

¹⁴² Email from staff, H. Comm. on Energy and Commerce to Darcy Slayton, Associate, Covington, representing Columbia University (Nov. 1, 2024, and Dec. 11, 2024) (on file with the Comms.).

¹⁴³ Email from unnamed graduate student employed by the Gladstone Institutes, to “Gladstone All” email list (Oct. 9, 2023, 3:18pm) (on file with the Comms.).

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under any circumstances.”¹⁴⁴ There was no condemnation of the attacks of October 7, 2023, and no stance taken on the abhorrent email.¹⁴⁵

The Committees’ investigation determined that grantee institutions are struggling with balancing free speech and discrimination or harassment, often excusing antisemitic harassment under the guise of free speech. It also appears that while some institutions may privately disagree with the actions of students, faculty or staff, the fear of public reaction or lawsuits seems to limit the extent to which grantee institution leadership are willing to take public stances on incidents occurring on campus or on social media amongst institution faculty and/or students, particularly with regards to antisemitism. The consistent examples of inappropriate antisemitic materials being taught in classrooms, or spewed at events on campus, show that the counseling or minimal punishments that individuals receive is not sufficient to stop the incidents from continuing to occur. The actions being taken by institutions have not improved the situation for Jewish students, faculty, and other members of the grantee institutions. It is imperative that federal awarding agencies like HHS hold grantee institutions responsible for compliance with federal civil rights laws and ensure that public funds are not being used to support institutions and individuals who promote discrimination and harassment.

B. Recommendations

Recommendations for HHS, HHS OCR, and NIH

- The incoming administration should make wholesale personnel changes in HHS OCR. HHS OCR’s refusal to engage with Congressional inquiries and apparent failure to act in reference to taxpayer funded grantee institutions demonstrates a need for change in personnel throughout HHS OCR, to include all levels of management.
- NIH should make clear to individuals at grantee institutions that incidents or allegations of antisemitism and other harassment and discrimination for shared ancestry can be reported through their grantee harassment web portal and email address.
- NIH should update its grant terms and conditions to require institutions seeking NIH funding to add the following new requirements:
 - NIH-funded institutions are required to notify NIH when key grant personnel are under investigation for shared ancestry/national origin discrimination or harassment and an action is taken against personnel (e.g., suspension from campus) that would impede the grant.
 - All investigations started into allegations of shared ancestry/national origin discrimination or harassment must be completed within six months, even if the accused or alleged victim leaves the institution. Without a conclusion about what happened, the institution and NIH cannot redress harm sustained by the victim. When investigations are stopped because the accused resigns/leaves the

¹⁴⁴ Email from President Srivastava to “Gladstone All” email list (Oct. 9, 2023, 6:13pm) (on file with the Comms.).

¹⁴⁵ *Id.*

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institution, the harasser/abuser skirts consequences even if the accusations are true.

- All investigative reports must be made available to NIH. If the grantee institution chooses to conduct the investigations in-house rather than through a third-party law firm, it is responsible for ensuring the accuracy of the information. Therefore, the Chancellor, Provost, or other high-ranking member of the grantee institution must attest to NIH that the reports and files sent to NIH are complete and accurate representations of the facts of the case. If NIH is not satisfied with the investigation completed by the institution or its proxy, NIH may refer the case to HHS OCR and HHS OGC for investigation. The grantee institution must cooperate with any investigation conducted by these entities. If NIH is not satisfied with the actions taken by the grantee institution because of the investigation, it may recommend further actions. Failure to implement said actions may result in suspension or reconsideration of the grant.
- Principal investigators, co-principal investigators, or other key grant personnel on NIH-funded grants or networks may be removed by NIH, temporarily or permanently, if the grantee institution fails to take appropriate and timely action to make the research environment safe in response to allegations of shared ancestry/national origin discrimination or harassment.
- HHS must specify a required number of Title VI compliance reviews that HHS OCR must conduct per year at grantee institutions.

Recommendations for NIH-Funded Institutions

- All NIH-funded institutions should create a task force or commission of external experts in civil rights—including an expert in antisemitism—to review their curriculums for bias, discrimination, indoctrination, etc., to ensure that students are not being subjected to politicized or biased educations. This would not just be for classes or curriculum focused on topics such as diversity or inclusion, but for all classes, lectures, and curricular materials. This external group would create recommendations for ways to reduce bias and ensure that the curriculum is not biased or discriminatory towards any one group of people, any culture, etc. This review should be inclusive of all areas of study, including medical schools, nursing programs, public health programs, and social work programs.
- All NIH-funded institutions should create an antisemitism task force to review the current climate within the institution, evaluate the actions taken by the institution, put processes and procedures in place for responding to these incidents, and provide recommendations for action. This task force should not be made up of leadership within the institution. Rather, the task force should be a representative group of faculty, students, and independent subject matter experts.
- All NIH-funded institutions should update their discrimination and harassment training to include a section on antisemitism.

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V. The Committee on the Judiciary

The Committee on the Judiciary has jurisdiction over the Biden-Harris Administration's enforcement of federal immigration law. This jurisdiction includes the adjudication, issuance, and revocation of nonimmigrant visas, such as student visas.

Certain conduct during the antisemitic protests may render aliens removable from the United States. Under the Immigration and Nationality Act ("INA"), an alien is inadmissible to and removable from the United States if the alien "endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization."¹⁴⁶ Despite the clear statutory language, in October 2023, only three weeks after Hamas's attacks on Israel, U.S. Department of Homeland Security ("DHS") Secretary Alejandro Mayorkas declined to state whether foreign students should "have their visas revoked" if they "advocate for the elimination of Israel and attacks on Jewish individuals."¹⁴⁷ Instead, Secretary Mayorkas claimed that "it is a matter of law and it requires a legal interpretation," noting that DHS was "assessing [the] legal assertion" that those aliens could have their visas revoked.¹⁴⁸

In light of the despicable antisemitic protests that occurred nationwide on college campuses and elsewhere, on April 30, 2024, the Committee wrote to DHS Secretary Alejandro Mayorkas and U.S. Secretary of State ("State Department") Antony Blinken, requesting various documents and information relating to each Department's inaction in revoking visas for aliens who endorse or espouse terrorist activities, including aliens on student visas who endorse Hamas's terrorist activities against Israel and violence against Jews.¹⁴⁹ From the State Department, the Committee requested:

1. The number of aliens, including those on student visas, for whom DHS has requested the State Department revoke their visas based on their actions related to anti-Israel protests, disaggregated by visa category, country of nationality, and the specific action that precipitated the request, including:
 - a. The number of such aliens for whom the State Department has revoked visas, disaggregated by visa category, country of nationality, and the reason for the revocation; and
 - b. The number of such aliens who remain in the United States, disaggregated by visa category and country of nationality.¹⁵⁰

¹⁴⁶ 8 U.S.C. § 1182(a)(3)(B)(i)(VII); see 8 U.S.C. § 1227(a)(4)(B).

¹⁴⁷ John Binder, *DHS Chief Mayorkas Will Not Commit to Deporting Pro-Hamas Foreign Students from U.S.*, BREITBART (Oct. 31, 2023), <https://www.breitbart.com/politics/2023/10/31/dhs-chief-mayorkas-will-not-commit-to-deporting-pro-hamas-foreign-students-from-u-s/>.

¹⁴⁸ *Id.*

¹⁴⁹ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Antony Blinken, Sec'y, U.S. Dep't of State (Apr. 30, 2024); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas Sec'y, U.S. Dep't of Homeland Sec. (Apr. 30, 2024).

¹⁵⁰ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Antony Blinken, Sec'y, U.S. Dep't of State (Apr. 30, 2024).

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2. The total number of aliens, including those on student visas, for whom the State Department has revoked visas based on their actions related to anti-Israel protests disaggregated by visa category, country of nationality, and the specific action that precipitated the revocation.¹⁵¹

Similarly, from DHS the Committee requested:

1. The number of aliens, including those on student visas, who have endorsed or espoused terrorist activity or have persuaded others to endorse or espouse terrorist activity or support a terrorist organization during anti-Israel protests, disaggregated by visa category, if applicable, and country of nationality, including:
 - a. The number of such aliens for whom DHS has requested the State Department revoke visas based on their actions related to anti-Israel protests, disaggregated by visa category, the country of nationality, and the specific action that precipitated the revocation request; and
 - b. The number of such aliens who have been placed in removal proceedings, including the number removed from the United States, disaggregated by visa category and the country of nationality.¹⁵²
2. Whether aliens who endorse or espouse terrorist activity or persuade others to endorse or espouse terrorist activity or support a terrorist organization are enforcement priorities under the September 30, 2021, memo, Guidelines for the Enforcement of Civil Immigration Law.¹⁵³

Initially the Committee received no substantive response from either Department. Then on May 17, 2024, the Committee reiterated its requests via letters to Secretaries Mayorkas and Blinken.¹⁵⁴

On May 29, 2024, the State Department responded in part that “The Department has not received any such requests from partners to revoke visas for individuals based on their actions related to on-campus protests within the referenced period and has not revoked any visas in that period for such activity.”¹⁵⁵ To date, DHS has refused to provide a substantive response to the Committee’s questions.

¹⁵¹ *Id.*

¹⁵² Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas Sec’y, U.S. Dep’t of Homeland Sec. (Apr. 30, 2024).

¹⁵³ *Id.*

¹⁵⁴ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Antony Blinken, Sec’y, U.S. Dep’t of State (May 17, 2024); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas Sec’y, U.S. Dep’t of Homeland Sec. (May 17, 2024).

¹⁵⁵ Letter from Naz Durakoglu, Asst. Sec., Bureau of Leg. Affairs, U.S. Dep’t of State to Jim Jordan et al., Chairman, H. Comm. on the Judiciary, (May 29, 2024).

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VI. The Committee on Oversight and Accountability

On April 30, 2024, House Committee on Oversight and Accountability Chairman James Comer and House Committee on Education and the Workforce Chairwoman Virginia Foxx (R-NC) sent a letter to Mayor Muriel Bowser and Metropolitan Police Department (“MPD”) Chief Pamela Smith raising concerns about MPD’s refusal to assist in clearing out an encampment of unlawful and antisemitic protestors on GWU’s campus.¹⁵⁶

The GWU encampment, which was occupying the main outdoor space at the University since April 26, 2024, was quickly condemned by University leadership once antisemitic chants were heard and graffiti was spread throughout the area. The encampment called for the end of the Israeli state and obstructed multiple buildings within campus.¹⁵⁷ The encampment was filled with a mix of students and individuals unaffiliated with the University who had no business being on its campus.¹⁵⁸ This unlawful chaos was taking place during finals week, already one of the most stressful times for students.

On May 1, 2024, House Committee on Oversight and Accountability Chairman James Comer and Representatives Lauren Boebert (R-CO), Anna Paulina Luna (R-FL), Byron Donalds (R-FL), Eric Burlison (R-MO), and William Timmons (R-SC) met with GWU leadership and toured the radical, antisemitic, and unlawful encampment on the university’s campus. Following the tour, the Committee members called on D.C. Mayor Muriel Bowser to empower the MPD to clear out the unlawful encampment and restore the rule of law to protect students and staff.¹⁵⁹ Mayor Bowser’s office continued to refuse to act on behalf of the university administration, students, and faculty. In response, Chairman Comer announced a full committee hearing on the inaction scheduled for May 8. Mayor Bowser and Police Chief Pamela Smith were invited to testify.¹⁶⁰

In the early morning of May 8—just hours before the Oversight Committee hearing with Mayor Bowser and MPD Chief Pamela Smith—MPD finally cleared out the encampment.¹⁶¹ This action led to 33 arrests; only 6 of those arrestees were GWU students.

¹⁵⁶ Letter from Hon. Virginia Foxx, Chairwoman, H. Comm. on Educ. & the Workforce, and Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Muriel Bowser, Mayor of Washington, D.C., and Ms. Pamela Smith, Chief, Metro. Police Dep’t of D.C. (Apr. 30, 2024).

¹⁵⁷ Peter Hermann, *D.C. Police Rejected GWU’s Plea to Sweep Out University Protestors*, THE WASHINGTON POST (Apr. 27, 2024).

¹⁵⁸ Briefing for Comm. on Oversight & Accountability Members from GWU officials (May 1, 2024).

¹⁵⁹ *Id.*

¹⁶⁰ Press Release, H. Comm. on Oversight & Accountability, *Comer Announces Hearing on the District of Columbia’s Response to Radical, Antisemitic, and Unlawful Protests at GWU* (May 1, 2024), <https://oversight.house.gov/release/comer-announces-hearing-on-the-district-of-columbias-response-to-radical-antisemitic-and-unlawful-protests-at-gwu/>.

¹⁶¹ Peter Hermann, Keith L. Alexander, Lauren Lumpkin, *Six GWU students among 33 arrested at campus protest encampment*, THE WASHINGTON POST (May 9, 2024).

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VII. The Committee on Veterans' Affairs

A. Overview of the Investigation

In December 2023, the House Committee on Veterans' Affairs ("Committee") became aware of a U.S. Department of Veterans Affairs ("VA") OGC attorney who posted a social media video mocking Israelis who were asking for the return of hostages captured by Hamas.¹⁶² Chairman Bost sent VA a request for information to get more details on the attorney in the video and to see if VA was investigating. After learning the attorney was employed in VA's Veterans Benefits Law Group and had yet to face any administrative action, Chairman Bost and 18 House Republicans sent the VA Secretary a letter expressing concern that the attorney's blatant antisemitism could affect veterans of Jewish faith and requesting that VA provide all documents related to its investigation to ensure VA was adequately investigating.¹⁶³

Concerns regarding VA's investigation were validated when VA stated the attorney would not face discipline but instead would be required to complete harassment training.¹⁶⁴ Notably, VA failed to provide the Committee with any of its investigation documents. In May 2024, following months of negotiation, Committee staff reviewed the documents *in camera*. This review, and a subsequent June 2024 transcribed interview with the VA employee who conducted the investigation into the attorney, exposed troubling details about VA's investigation. First, the VA investigator worked in the same OGC practice group as the attorney who made the video, which raised questions regarding the investigation's independence.¹⁶⁵ Second, the investigator merely interviewed the attorney who made the video before determining no wrongdoing occurred.¹⁶⁶ The investigator did not investigate whether the attorney's coworkers felt unsafe following the attorney's comments or whether the attorney's work product was affected by the attorney's apparent bias. Even worse, the sole interview was neither transcribed or otherwise memorialized.¹⁶⁷ Finally, the investigator used Wikipedia's antisemitism definition instead of a reliable source when concluding the attorney's conduct was not antisemitic.¹⁶⁸

The transcribed interview also revealed that the investigator worked with the attorney who posted the video but did not have a personal relationship with her.¹⁶⁹ The interview also revealed that the investigator failed to investigate the video's effect on the workplace and whether the attorney's work product was affected by her beliefs because the investigator was

¹⁶² Leo Shane III, *VA Att'y Disciplined for Video Mocking Israeli Hostages*, MIL. TIMES, Jan. 12, 2024, <https://www.militarytimes.com/veterans/2024/01/13/va-attorney-disciplined-for-video-mocking-israeli-hostages/>.

¹⁶³ Letter from Mike Bost et al., Chairman, H. Comm. on Veterans' Aff. to the Hon. Denis McDonough, Sec'y, U.S. Dep't of Veterans Aff. (Dec. 13, 2023).

¹⁶⁴ See Letter from the Hon. Denis McDonough, Sec'y, U.S. Dep't of Veterans Aff. to Mike Bost, Chairman, H. Comm. on Veterans' Aff. (Jan. 12, 2024).

¹⁶⁵ VA Investigator, Transcribed Interview before the H. Comm. on Veterans' Affairs, 15 (June 27, 2024) (on file with Comm).

¹⁶⁶ *Id.* at 19.

¹⁶⁷ *Id.* at 24.

¹⁶⁸ *Id.* at 22.

¹⁶⁹ VA Investigator, Transcribed Interview before the H. Comm. on Veterans' Affairs, 16 (June 27, 2024) (on file with Comm).

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directed to conduct a narrow investigation.¹⁷⁰ Specifically, the investigator was directed by the Benefits Law Group's Chief Counsel, after consultation with VA OGC Personnel Group attorneys, to determine only whether: (1) the attorney's social media account contained information identifying the attorney as a VA employee; (2) the video the attorney posted on her social media could be attributed to VA; and (3) the attorney expressed antisemitic views on her personal social media within the VA workplace.¹⁷¹ The investigator found none of this occurred.¹⁷² Additionally, the investigator concluded the video was not antisemitic as the attorney was expressing their personal disagreement with the Israeli Government's actions in response to Hamas' terrorist attack on October 7, 2023.¹⁷³

The Committee's investigation highlights how VA's internal misconduct investigations under the Biden-Harris administration are inadequate and lead to a lack of accountability throughout VA.

Letters to the Department of Veterans Affairs and the Governors to Address Antisemitism on Campus

In July 2024, Chairman Bost sent letters to VA and the Governors of California, New York, Illinois, Massachusetts, Michigan, and North Carolina.¹⁷⁴ The letters inquired about the measures being taken by VA and state officials in each of their states on specific college campuses to ensure that Jewish student veterans are safe and free from harassment and discrimination. The letters also requested that the State Approving Agencies ("SAAs") investigate whether the safety and treatment of Jewish veteran students are affecting the ability of these universities to offer a harassment-free environment and to provide a quality education for GI Bill approval of schools. These states and universities were chosen because they received a D or F rating from the Anti-Defamation League's report card,¹⁷⁵ in part due to current litigation or recent anti-Zionist student activities.

As of the release of this staff report, the Committee has only received responses from the Governor of North Carolina,¹⁷⁶ Northwestern University,¹⁷⁷ and VA.¹⁷⁸ VA stated they are monitoring the situation and has shared a list of available federal resources for veterans. They have not, however, taken any further action to ensure the safety and quality of education for student veterans on campus. On November 12, 2024, a follow-up email was sent to the

¹⁷⁰ *Id.* at 18-21.

¹⁷¹ *Id.* at 12-13.

¹⁷² *Id.* at 13-14.

¹⁷³ *Id.* at 14.

¹⁷⁴ H. Committee on Veterans Affairs Letter from Mike Bost, Chairman, H. Comm. on Veterans Affairs, to Denis McDonough, Sec'y, U.S. Dep't of Veterans Affairs (July 8, 2024); H. Committee on Veterans Affairs Letters from Mike Bost, Chairman, H. Comm. on Veterans Affairs, to Governors Kathy Hochul, Gavin Newsom, Jay Robert Pritzker, Maura Healey, Gretchen Whitmer, Roy Cooper (July 8, 2024).

¹⁷⁵ Anti-Defamation League, Campus Antisemitism Report Card, <https://www.adl.org/campus-antisemitism-report-card>.

¹⁷⁶ Letter from Gov. Roy Cooper to Mike Bost, Chairman, the H. Comm. on Veterans Affairs (Aug. 9, 2024).

¹⁷⁷ Letter from Gov. Jay Robert Pritzker to Mike Bost, Chairman, the H. Comm. On Veterans Affairs (Nov. 9, 2024).

¹⁷⁸ Letter from Denis McDonough, Sec'y, U.S. Dep't of Veterans Affairs, to Mike Bost, Chairman, the H. Comm. on Veterans Affairs (Sept. 6, 2024).

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Governors' offices to request details about what actions have been taken to address the situation and to ensure the safety and treatment of Jewish veteran students. Specifically, the Committee asked what investigations or oversight actions, if any, have been initiated by colleges and universities where antisemitic activities have been reported. To date, the Committee has not heard back from any of the other Governors, with the exception of North Carolina, or any of the universities involved regarding these concerns.

Northwestern University Policy Updates

As referenced above, Northwestern provided the Committee with policy updates to address some of the concerns raised in our July letter to Governor Jay Robert Pritzker.¹⁷⁹ Northwestern indicated that it established a display and solicitation policy that provides clear rules regarding on-campus displays and flyers, prohibits the use of chalk on buildings or signs that violate university regulations, and updated its demonstration policy to include new requirements for how community members may engage in protests or similar activities. The university also revised its policies on discrimination, harassment, and sexual misconduct to align with definitions provided by the U.S. Department of Education.

According to Northwestern, the annual update to the Student Code of Conduct includes specific provisions that address the Committee's concerns. The new Intimidation Standard prohibits individuals from subjecting others to abusive, harassing, or violent behavior that substantially affects the ability of the person or group to learn, work, or live in the University environment. Furthermore, Northwestern has updated its Failure to Comply policy to ensure that students are held accountable for their actions. The University also clarified its University Properties Policy, defining what constitutes a violation of university spaces and expanding the definition of tampering or damaging property. At the start of the academic year, Northwestern enhanced its resources for law enforcement performance and increased patrols in areas significant to the University's Jewish community. Further, the University plans to strengthen its enforcement capacity by hiring an additional investigator in the Office of Community Standards, whose role will be to investigate and adjudicate alleged violations of the Student Code of Conduct. Finally, Northwestern implemented several educational and training initiatives aimed at improving the community's ability to engage in difficult conversations constructively and respectfully, including programs offered by the Center for Enlightened Disagreement.¹⁸⁰

B. Recommendations

- The Secretary, in collaboration with the State Approving Agencies, should establish anti-harassment and equal treatment policies and guidelines for educational institutions approved for participation in VA education programs to ensure that Jewish student veterans feel safe and respected on campus.

¹⁷⁹ H. Committee on Veterans Affairs Letters from Mike Bost, Chairman, H. Comm. on Veterans Affairs, to Gov. Kathy Hochul, Gavin Newsom, Jay Robert Pritzker, Maura Healey, Gretchen Whitmer, Roy Cooper (July 8, 2024).

¹⁸⁰ Northwestern Univ., Updates to Northwestern's Policies and Student Code of Conduct, Academic Year 2024-2025.

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- State Approving Agencies should consider complaints related to antisemitism when conducting compliance surveys, risk-based surveys, and supervisory visits and consider these issues when certifying educational institutions for participation in the VA education programs.
- VA should establish a clear antisemitism definition to include in existing VA anti-harassment policies and ensure that all employees are held accountable for conduct that violates such policies.

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VIII. The Committee on Ways and Means

A. Overview of the Investigation

The House Committee on Ways and Means (“Ways and Means”) has been actively investigating tax-exempt organizations and antisemitism across the U.S. in the wake of Hamas’ attack in Israel on October 7, 2023. The Committee held its first hearing on this issue on November 15, 2023, and has since held three hearings related to tax-exempt organizations and antisemitism, gathering testimony from a dozen witnesses in the process.¹⁸¹

In addition to hearings, the Committee requested information and materials from various tax-exempt organizations, including tax-exempt colleges and universities. It also collected over 1,500 pages of documentation throughout its investigation, including information related to tax-exempt school policies, enforcement standards and activities of tax-exempt colleges and universities, various sources of funding for tax-exempt colleges and universities, and other information relevant to the investigation.

The Committee also leveraged resources and gained information and assurances from various governmental entities and tax-exempt organizations that more will be done going forward to better protect students on campus; hold bad actors accountable who violate rules on campus; and use tools available to the government to step-in when tax-exempt organizations are supporting illegal activity or operating outside of their tax-exempt purpose. To date, the Committee has sent over 40 letters to various tax-exempt schools, government entities including the U.S. Department of the Treasury, Internal Revenue Service (“IRS”), Federal Bureau of Investigation (“FBI”), and Department of Justice (“DOJ”) as part of its investigation.

B. Findings

Over the course of its investigation, the Ways and Means Committee found that several American-based tax-exempt organizations have funneled or are suspected of funneling American taxpayer dollars to designated terrorist organizations like Hamas. At the same time, American-based tax-exempt organizations have used taxpayer dollars to support, enable, and organize illegal encampments and/or protests that often resulted in violence, threats, and arrests. The Committee continues to investigate tax-exempt organizations engaging in activity that falls outside of well accepted tax-exempt purposes. Below are two case studies to illustrate some of the Committee’s findings to date.

¹⁸¹ H. Comm. on Ways and Means, *Hearing: From Ivory Towers to Dark Corners: Investigating the Nexus Between Antisemitism, Tax-Exempt Universities, and Terror-Financing* (Nov. 15, 2023), <https://waysandmeans.house.gov/event/hearing-from-ivory-towers-to-dark-corners-investigating-the-nexus-between-antisemitism-tax-exempt-universities-and-terror-financing/>; H. Comm. on Ways and Means, *Hearing on the Crisis on Campus: Antisemitism, Radical Faculty, and the Failure of University Leadership* (June 13, 2024), <https://waysandmeans.house.gov/event/hearing-on-the-crisis-on-campus-antisemitism-radical-faculty-and-the-failure-of-university-leadership/>; H. Comm. on Ways and Means, *Oversight Subcommittee Hearing on Fueling Chaos: Tracing the Flow of Tax-Exempt Dollars to Antisemitism* (July 23, 2024), <https://waysandmeans.house.gov/event/oversight-subcommittee-hearing-on-fueling-chaos-tracing-the-flow-of-tax-exempt-dollars-to-antisemitism/>.

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Case Study: The Alliance for Global Justice and Samidoun

The Alliance for Global Justice (“the Alliance”) is an Arizona-based 501(c)(3) organization that serves as a financial sponsor to over 130 “projects.”¹⁸² According to their website, the Alliance envisions “societies which explore and implement alternatives to the unjust domination of governments, global financial institutions and multinational corporations” and their mission is to “achieve social change and economic justice by helping to build a stronger more unified grassroots movement.”¹⁸³ According to the Alliance’s 2023 Form 990, its mission is to “achieve social change and economic justice by helping to build a stronger and more unified grassroots movement.”¹⁸⁴

Over the course of its investigation, the Committee discovered that Samidoun—a financially sponsored project of the Alliance—was connected to terrorism in the Middle East and actively worked with Hamas and others to use “donations” to fund unrest and chaos in the region.¹⁸⁵ Despite describing itself as “an international network of activists working to build solidarity with Palestinian prisoners in their struggle for freedom,”¹⁸⁶ their conduct suggests something very different. For example, in February 2021, the National Bureau for Counter Terror Financing of Israel (“NBCTF”) designated Samidoun a terrorist organization and a “part of the Popular Front for the Liberation of Palestine (“PFLP”),”¹⁸⁷ which itself has been designated as a foreign terrorist organization by the U.S. Department of State since 1997.¹⁸⁸ According to the NBCTF, one of Samidoun’s leaders is part of the leadership of the PFLP, has been involved in the establishment of militant cells, and has motivated terrorist activity in “Judea & Samaria and abroad.”¹⁸⁹

On September 24, 2024, the Committee called on the IRS to revoke the tax-exempt status of multiple organizations, including the Alliance.¹⁹⁰ On October 15, 2024, just weeks after the Committee sent a letter to the IRS demanding an investigation into Samidoun and revocation of its financial sponsor’s tax-exempt status, the Committee’s suspicions were confirmed when the Department of the Treasury’s Office of Foreign Assets Control designated Samidoun as a sham charity that serves as an international fundraiser for the PFLP terrorist organization.¹⁹¹

¹⁸² Fiscal Sponsorship, Alliance for Global Justice (last accessed Aug. 14, 2024), <https://afgj.org/fsp>.

¹⁸³ Our Mission, Alliance for Global Justice (last accessed Aug. 14, 2024), <https://afgj.org/about/our-mission>.

¹⁸⁴ 2023 Form 990, Alliance for Global Justice Corp, PROPUBLICA (Feb. 12, 2024), <https://projects.propublica.org/nonprofits/organizations/522094677/202430439349301048/full>.

¹⁸⁵ *Israel Designates "Samidoun" As A Terrorist Organization*, National Bureau for Counter Terror Financing of Israel (Feb. 28, 2021), <https://nbctf.mod.gov.il/en/Pages/SamidounEN.aspx>.

¹⁸⁶ Donate, Samidoun (last accessed June 25, 2024), <https://samidoun.net/about-samidoun/>; About Samidoun, Samidoun (last accessed June 25, 2024), <https://samidoun.net/about-samidoun/>.

¹⁸⁷ *Israel Designates "Samidoun" As A Terrorist Organization*, National Bureau for Counter Terror Financing of Israel (Feb. 28, 2021), <https://nbctf.mod.gov.il/en/Pages/SamidounEN.aspx>.

¹⁸⁸ Foreign Terrorist Organizations, U.S. Dept. of State (last accessed Aug. 14, 2024), <https://www.state.gov/foreign-terrorist-organizations/>.

¹⁸⁹ *Id.*

¹⁹⁰ Letters from The Hon. Jason Smith, Chairman, H. Comm. on Ways and Means to The Hon. Daniel Werfel, Comm’r of the IRS (Sept. 24, 2024), <https://waysandmeans.house.gov/wp-content/uploads/2024/09/Tax-Exempt-Status-Revocation-Letters.pdf>.

¹⁹¹ Tom Winter, Simone Weichselbaum, and Chloe Atkins, *Pro-Hamas group that helped organize college protests is a ‘sham charity,’ Treasury says*, NBC (Oct. 15, 2024), <https://www.nbcnews.com/news/us-news/-hamas-group-helped-organize-college-protests-sham-charity-treasury-sa-rcna175529>.

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Case Study: American Muslims for Palestine and AJP Educational Foundation, Inc.

Another American-based tax-exempt organization connected to illegal activity here in the U.S. is American Muslims for Palestine (“AMP”). AMP is a Virginia-based nonprofit network which claims to educate, organize, and mobilize Muslim-American communities, as well as other communities, to advance Palestinian rights.¹⁹² In part through their tax-exempt 501(c)(3) organization called AJP Educational Foundation (“AJP”) and its financially sponsored project, Students for Justice in Palestine (“SJP”), however, AMP is suspected of supporting illegal activity and has been one of the leading agitators in campus unrest this past year through SJP.¹⁹³

Over the course of its investigation, the Committee discovered that AMP and SJP provided tangible support, including flyers, talking points, pamphlets, and other materials, to help support unauthorized and illegal encampments on college campuses across the country this spring.¹⁹⁴ For example, the day after the Hamas terrorist attacks in Israel, SJP chapters disseminated a “toolkit” which identified AMP and SJP as part of a “Unity Intifada” governed by Hamas’ “unified command,” encouraged teach-ins and training on how to organize a protest, and advertised a “National Day of Resistance.”¹⁹⁵ Following the release of this “toolkit,” colleges and universities across the country became hot beds for threats, violence, and discrimination, ultimately leading to dozens of arrests.¹⁹⁶ Along with providing tangible resources like talking points and flyers, AMP and AJP also financially sponsored SJP, helping to provide the funding necessary to organize illegal encampments and other events that have often resulted in violence and arrests.

While AMP and SJP have been helping incite violence, promulgate propaganda, and foment chaos across the country, they have also been under investigation for suspected ties to organizations previously associated with terrorist activity and possible financial links to

¹⁹² *Id.*

¹⁹³ Shimon Sherman, *Who is paying for the American campus protests?*, JEWISH NEWS SYNDICATE (May 3, 2024), <https://www.jns.org/who-is-paying-for-the-american-campus-protests/>; see also Will Carless and Romina Ruiz-Goiriena, *Amid campus protests, organizers with past ties to Hamas also emerge*, USA TODAY (May 22, 2024), <https://www.usatoday.com/story/news/investigations/2024/05/22/gaza-student-protests-american-muslims-for-palestine/73775372007/>.

¹⁹⁴ *Lawsuit Filed on Behalf of American and Israeli Victims of Hamas Oct. 7 Terrorist Attack Against AJP Educational Foundation, Inc. a/k/a American Muslims for Palestine and National Students for Justice in Palestine*, Holtzman Vogel (May 1, 2024), <https://www.holtzmanvogel.com/news-insights/lawsuit-filed-on-behalf-of-american-and-israeli-victims-of-hamas-oct-7-terrorist-attack-against-ajp-educational-foundation-inc-a-k-a-american-muslims-for-palestine-and-national-students-for-justice-in-palestine/>; see also Morgan Sweeney, *American Muslims for Palestine ordered to comply with Virginia AG records request*, WASHINGTON EXAMINER (July 17, 2024), <https://www.washingtonexaminer.com/news/3086995/american-muslims-for-palestine-ordered-to-comply-with-virginia-ag-records-request/>.

¹⁹⁵ Compl. For Damages and Jury Trial Demand, 42, *Parizer et al v. AJP Educational Foundation Inc. et al*, E.D. Va. (May 2024).

¹⁹⁶ Caitlin McLean, *MPD Clears GW Encampment, Arrests 33*, THE HOYA (May 8, 2024), <https://thehoya.com/news/developing-mpd-clears-gw-encampment-arrests-33-students/>; Shimon Prokopczyk, et. al, *Over 100 people arrested as NYPD breaks up pro-Palestinian protest at Columbia University, law enforcement source says*, NCAA (April 18, 2024), <https://www.cnn.com/2024/04/18/us/nypd-disperses-pro-palestinian-protest-columbia-university/index.html>; Haley Sandlow, *Brown Students for Justice in Palestine talk organizing efforts, respond to Nov. 8 student arrests*, THE BROWN DAILY HERALD (Nov. 19, 2023), <https://www.browndailyherald.com/article/2023/11/brown-students-for-justice-talk-organizing-efforts-respond-to-nov-8-student-arrests>.

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Hamas.¹⁹⁷ The Virginia Attorney General initiated an investigation of the organization, alleging that it may have used funds for impermissible purposes, including “benefiting or providing support to terrorist organizations.”¹⁹⁸ Even without any potential ties to terrorism, however, AMP’s activities make it difficult to understand what tax-exempt purpose the group serves.

As the above case studies show, American taxpayer funding is currently supporting terrorist organizations and violations of American law, and certain tax-exempt organizations appear to be lacking any charitable or socially beneficial purpose to justify a tax exemption. The Committee’s findings that tax-exempt organizations are operating outside of their tax-exempt purposes and in violation of the law are not only concerning, but also amount to a violation of the American people’s trust. Congress must consider ways to put an end to this abuse. Based on the Committee’s findings, several recommendations are listed below.

C. Recommendations

Below are five recommendations from the Ways and Means Committee based on the Committee’s investigative findings to date.

- Congress should enact legislation that was previously reported by the Ways and Means Committee and passed by the House, including H.R. 9495 and/or H.R. 6408. Both bills would help cut off funding for groups that provide material support for terrorism.
- Congress should enact other bills previously considered and passed by the Ways and Means Committee that would support this effort and build on the Committee’s investigation including H.R. 8913, which would incentivize schools to prioritize enrolling American students, and H.R. 8914, which would give the IRS tools to hold tax-exempt colleges and universities accountable by imposing a significant tax penalty if they are found by a court of law to have violated a student’s civil rights.
- Congress should also consider finding ways to incentivize colleges and universities to better protect students and secure their campuses. For example, many of the worst offenders this past year were the colleges and universities with the largest endowments in the country. It is worth exploring mechanisms that require colleges and universities to leverage their massive endowments to better secure their campuses. For example, Congress should consider legislation that changes the endowment formula and/or the endowment tax rate.
- Congress should consider enacting various policies, including one that would prohibit individuals who are associated with organizations that have been shut down due to ties or suspected ties to known terrorist organizations from organizing and starting a similar or identical tax-exempt organization under a different name. This would help close loopholes that groups like AMP and SJP have taken advantage of in the past.

¹⁹⁷ *Id.*

¹⁹⁸ Michael Starr, *Court orders American Muslims for Palestine to give Virginia AG documents over alleged Hamas ties*, THE JERUSALEM POST (July 17, 2024), <https://www.jpost.com/diaspora/antisemitism/article-810733>.

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- Congress should explore ways to ensure that tax-exempt organizations do not financially sponsor projects that do not further their tax-exempt purpose, organizational mission, or result in illegal activity. While many financial sponsorship relationships are genuine and beneficial for the country, others are used to shield bad actors from transparency and accountability. We must explore mechanisms to hold financial sponsors more accountable for illegal activity conducted by the projects they sponsor.

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IX. Conclusion

The House-wide investigation has uncovered deeply troubling realities about how antisemitism has been allowed to fester unchecked, including in universities and institutions across the country, with little to no accountability or oversight to prevent its continued spread. The events of the past year have laid bare the systemic failures of many universities, other nonprofit organizations, public officials, higher education administrators, and the federal government in addressing antisemitism – a pervasive issue they can no longer ignore.

The findings expose a disturbing pattern of defensiveness and denial among institutions. Rather than confronting the severity of the problem, many institutions have dismissed congressional and public criticism and abdicated responsibility for the hostile environments they have enabled. This refusal to acknowledge or address the issue has allowed antisemitism to take root and thrive in spaces that contravene the values of this great nation.

The House-wide effort has culminated in a set of recommendations for schools, Congress, and the executive branch to consider. These actionable steps are designed to ensure that the rising tide of antisemitism is confronted and eradicated at its core. By holding institutions accountable and fostering an environment of responsibility, these measures aim to restore safety and respect for Jewish Americans across the country.

This report serves to summarize the House-wide effort in the 118th Congress, but we are committed to continuing this vital work. As we move toward the 119th Congress, we look forward to collaborating with the Senate and executive branch to combat antisemitism with the urgency and moral clarity this moment demands. Together, we will uphold the principles that define our nation and work to root out antisemitism from every corner of American society.